The Aboriginal 'Embassy' on the lawns outside Parliament House, Canberra, was a striking symbol of the dissatisfaction many Aborigines feel with the justice they receive under the white man's law. This book demonstrates how that justice discriminates against Aboriginal Australians.

Dr Rowley discusses typical situations—the plight of the Aboriginal employee on the northern cattle stations, the fringe dwellers round country towns, those living in the cities and those still on managed reserves. He examines the question of land rights, and the failure of the white institutions to offer justice to Aborigines. The book ends with a discussion of the role of bureaucracy in Aboriginal administration and of the opportunities which could be offered to Aborigines through new institutions.

In *A Matter of Justice* the author's knowledge and understanding of Aborigines and their problems reveals a compassion and humanity towards Aboriginal people all too rare among white Australians.
The Aboriginal 'Embassy' on the lawns outside Parliament House, Canberra, was a striking symbol of the dissatisfaction many Aborigines feel with the justice they receive under the white man's law. This book demonstrates how that justice discriminates against Aboriginal Australians.

Dr Rowley discusses typical situations—the plight of the Aboriginal employee on the northern cattle stations, the fringe dwellers round country towns, those living in the cities and those still on managed reserves. He examines the question of land rights, and the failure of the white institutions to offer justice to Aborigines. The book ends with a discussion of the role of bureaucracy in Aboriginal administration and of the opportunities which could be offered to Aborigines through new institutions.

In *A Matter of Justice* the author's knowledge and understanding of Aborigines and their problems reveals a compassion and humanity towards Aboriginal people all too rare among white Australians.
This book was published by ANU Press between 1965–1991. This republication is part of the digitisation project being carried out by Scholarly Information Services/Library and ANU Press.

This project aims to make past scholarly works published by The Australian National University available to a global audience under its open-access policy.
A Matter of Justice
By the same author

*The Australians in German New Guinea 1914-1921*, Melbourne, 1958
*The Lotus and the Dynamo*, Sydney, 1960
*The New Guinea Villager*, Melbourne, 1965
*The Destruction of Aboriginal Society*, Canberra, 1970
*Outcasts in White Australia*, Canberra, 1971
*The Remote Aborigines*, Canberra, 1971
*The Politics of Educational Planning in Developing Countries*, Paris, 1972
A MATTER OF JUSTICE
CD ROWLEY

Australian National University Press
Canberra 1978
For
my wife
Irene Janet Rowley
Preface

About a decade ago I was completing draft reports on the Aboriginal predicament, later published in the series completed last year with the late Elizabeth Eggleston’s *Fear, Favour or Affection*, a masterly analysis of the failure of the Australian institutions for law and order to provide justice for Aborigines. The courts reflect social attitudes, and widespread denial of justice continues because of race prejudice. This restricts the lives and the health of Aboriginal Australians. It casts other Australians in the role of the indifferent oppressors. Thus does a mental aberration impoverish all of us, whether we share it or not.

At stake is the comfort and safety of all of us, white, brown and black. As social change accelerates, class and status systems dependent on such outmoded and irrelevant indicators of ability and work are collapsing throughout the world. The control of colonies by whites is almost over. Rule over large black majorities by white minorities is doomed. Increasingly, world attention is focused on the situation of entrapped minorities, whose leaders look for support to the governments of the Third World.

Violence has proved effective in accelerating these changes. The ease of access to the bomb and the gun, which have become common consumer items for international trade and foreign aid, greatly increases the hitting power of minorities. Managers of the electronic media do their best to satisfy the appetite for violence enjoyed in the safety of the living room. The threat of violence can be seen and heard in a moment and the media can dramatise its effects. It is possible that peace as well as justice within Australia depends on radical changes in race relations. The means for such change are both elusive and difficult to master. Some progress may be made through continuing experiment with new institutions. In this hope, I offer in this book a general survey of relevant situations, and a few suggestions which seem applicable to the state of Aboriginal affairs in mid-1977.

C. D. R.
Canberra, July 1977
## Contents

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Title</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preface</td>
<td></td>
<td>vii</td>
</tr>
<tr>
<td>1</td>
<td>The Aboriginal Embassy</td>
<td>1</td>
</tr>
<tr>
<td>2</td>
<td>Social Change, Colonisation, Politics and Justice</td>
<td>20</td>
</tr>
<tr>
<td>3</td>
<td>Justice and the Country</td>
<td>50</td>
</tr>
<tr>
<td>4</td>
<td>Wage Justice</td>
<td>84</td>
</tr>
<tr>
<td>5</td>
<td>The Outcasts and the Country Town</td>
<td>110</td>
</tr>
<tr>
<td>6</td>
<td>Detained 'for Their Own Good': Aboriginal Settlements and Stations</td>
<td>129</td>
</tr>
<tr>
<td>7</td>
<td>The Christian Missions and Justice</td>
<td>158</td>
</tr>
<tr>
<td>8</td>
<td>Secular Institutions for Justice</td>
<td>175</td>
</tr>
<tr>
<td>9</td>
<td>The Dark Child's Chance of Justice</td>
<td>193</td>
</tr>
<tr>
<td>10</td>
<td>What is to be Done? Bureaucratic Barriers, New Legislation and New Institutions</td>
<td>206</td>
</tr>
<tr>
<td></td>
<td>Index</td>
<td>237</td>
</tr>
</tbody>
</table>
Chancing in November 1974 to look across the park to Australia’s Parliament House, I was struck by the perfect symbolism of the ‘Aboriginal Embassy’—a somewhat untidy scatter of dark tents set against the brilliant white of that squat façade which symbolises the Australian version of British political and social order. When they looked at the Embassy, some of our legislators were stirred with that same indignation that has moved generations of country town councillors, contemplating Aboriginal shanties unlawfully built from materials acquired from the town tip, and unlawfully placed on the town common, or beside the road where they may give visitors a ‘false impression’. Health and building regulations have been commonly used for cosmetic rather than health or construction purposes to remove such excrescences.

One indication of the successful entry of the Aborigines into politics is that it became so difficult for governments to remove this pointed comment on Australian racism. Here a defiant and tiny minority thumbed its nose at the national parliament; and emphasised the fact that only institutions for negotiation offer hope for some eventual reconciliation between blacks and whites. In February 1975, as a result of negotiation between the Minister for the ACT and Charles Perkins, a leading Aboriginal spokesman, the tents were removed—but the Australian Government was given two months to take effective action on Aboriginal land rights. No doubt the re-appearance of the Embassy will continue to mark difficult periods in government-Aboriginal relations.

The previous government, moved by that old aldermanic ardour for tidy surroundings, and by indignation at such an impertinent affront to ‘law and order’, had ordered the removal of the Embassy by the police. The main result was to highlight the long-standing enmity between police and Aborigines. Symbolically, the tents disappeared in the first period of the Labor Government, which made the first genuine efforts to negotiate
with Aborigines. But in 1974 they were back, to illustrate mounting
disappointment of Aboriginal leaders. Their return also marked the
fallacy of assumptions that money and public service manpower can
quickly solve racial and social problems. Early in 1974 it was a rallying
point for Aborigines demonstrating in the presence of the Queen. And as
though that were not enough for one day, an Aboriginal entered a
government department making vague threats, apparently armed with a
gun.

The idea and location of the Embassy was a piece of political genius.
We Australians are so thoroughly initiated by 'hard use' to the sight of
the Aboriginal shanty, that we tended to miss the point in a way that a
tourist from the Third World would not. For the predicament of black
Australians is very well known abroad: and the tourist would see the
Embassy as an Aboriginal would—as a demand for justice. But
Australian visitors, in the main, probably clucked their tongues about
people who would make the sacred precincts of Parliament 'look like a
blackfellows' camp'. The tents fitted the view that most Australians had
about Aborigines, views based on what they had seen in country towns
with fringe settlements; and lately in the slum areas of the capital cities.
People recall the seemingly purposeless violence and drunkenness, open
breaches of the law and defiance of its guardians, reckless disregard of
their own safety and health and that of their children, and flagrant
breaches of white mores. People who are 'black' or who have 'Aboriginal
features' (an official term of long standing) are highly visible in this
country. Aborigines lacking these stigmata have tended for generations to
'pass' among the whites; so that 'white Australia' has always been partly
Aboriginal. But those who retained Aboriginal identity have lived under
conditions which made normal privacy very difficult. What they do in
town is highly visible because they tend to be limited to streets and parks
and the steps of public buildings.

So the Embassy, for those who missed its political implications, and
whose views come straight from the white folklore, simply fitted the
white man's concept of the 'black' Australian—of one who has always
been a failure, an outcast living in poverty beyond statistical
measurement, whose defiant protest is attributed mainly to ignorance and
low intelligence, who may have minor ups and downs in his life, but for
whom there cannot be a real career. The Embassy was (and probably
will appear again as) the ultimate impertinence, and the government
should listen to police advice and 'do something about it'. Like so much
visible Aboriginal conduct it does not 'make sense'. 'Everyone' knows
they' are unreliable. Employers for generations have said so. None of ‘them’ has yet made a name in one of the exclusive professions. (Prejudiced minds easily overlook the successful students and young graduates who soon will do so, first perhaps in law, thanks to the concern of many lawyers with human rights and equality. A few doctors have worked hard among Aborigines, but the doctor-patient relationship tends towards the paternal; so that we will probably wait longer for the first Aboriginal doctor to put up his plate in a country town.)

It all goes back a couple of centuries. From the first days of white settlement, neither group was able to understand the other. If a conquered person is inarticulate in the language of the victors and acts in accordance with a different system of belief, his protests are easily attributed to low mental capacity. The colonist has generally assumed the inferiority of the colonised. How else can he justify his usurpation of power over him? The Aboriginal’s protest could not be channelled through his own leaders because he did not, at the time of white settlement, recognise political leaders with a general and widely accepted authority to control followers and to represent them.

Moreover, the rapidity of extinction over wide areas by mass killings, brutality in many forms, disease and deprivation of the means as well as the purpose of living, resulted in loss of those social controls and discipline on which human organisation and tradition had depended for probably forty, certainly thirty, thousand years. Without access to the ‘country’ it was impossible to bring up children in the old way. Nor was there any real chance of a new way. It was inevitable that the old ways should be partly forgotten by the scattered remnants, and that the systems of belief inherited by their descendants should promote resentment and fear of the whites. The attitudes of the whites, and the harsh restrictions which lasted for so long, confirmed the stories passed on from Aboriginal parents to children. Approved conduct expressed those kinds of defiance which a small outcast minority can risk without a too drastic reprisal.

I cannot prove this, but the statements of Aboriginal leaders confirm it. If we assume that Aborigines respond to circumstances broadly as do other people, we can understand such things as the unwillingness of parents to co-operate with health and education schemes; so-called ‘apathy’ in their reception of arrangements ‘for their own good’; the lack of incentive for the dark child forced by law to go to school, and his eagerness to get away from it at the earliest opportunity. Aborigines have used passive resistance, including the ‘defence of apathy’, and ridicule in
words and mime, to defend in-group integrity and self-esteem in a hostile world. The Embassy, seen in this context, was a successful use of these techniques, adapted to the national scene. It poses the most serious and permanent of political and moral issues—that of justice. The symbolism of a few tents against a great building, of two or three persons against the national Parliament and bureaucracy, nicely illustrated the contrast in power between the entrapped minority and the western state; and in welfare between the fringe-dwellings and the Australian township.

A Minister for Aboriginal Affairs said that these few tents did not represent the attitudes of the ‘real’ Aborigines. This was an uncomfortable reminder of the views commonly held by colonial administrators in their day, that the ‘native’ radical does not represent the ‘real’ natives, the ‘loyal’ unspoilt people who cause no trouble and who will benefit most from good colonial public service administration. ‘The proper focus of colonial attention is the “real” people, the simple peasant mass, which gratefully accepts benevolent paternalism and which should be protected from the arousing of discontents. The occasional outbursts of political agitation reflect, not the demands of the real people but only the self interested machinations of an untrustworthy few...’ 1 Thus could a British High Commissioner to Egypt be assured of the widespread devotion of the grateful Egyptians. When the minister spoke of bringing some ‘real’ Aborigines from the north to be seen by Canberra people, this was an indication of how very difficult it is for white Australians to divorce ourselves from the colonial past. One of the most valuable contributions by Charles Perkins to the national welfare is that he has so constantly reminded us of precisely this.

It is tempting for whites to avoid all the uncomfortable issues of dispossession, partial extermination and brutal exploitation, these days expressed in the demand for land rights and compensation, by continuing to attribute the actions of the leaders to lack of civilised competence. This also continues a long tradition. When Aborigines learned to hit the settler on their lands where they could and where it hurt, they would destroy flocks and crops. They would commonly eat a small part of what was killed or uprooted, so that their actions were seen by whites not as guerrilla resistance, but as pointless destructiveness wrought by a rural predator who should be got rid of by any means. Poison and shooting were sometimes for Aborigines as for the dingo, and this went on into the

1 Rupert Emerson, *From Empire to Nation*, Beacon Press, Boston, 1967, p. 38. Emerson here summarises the attitudes of Lord Lloyd who had been High Commissioner to Egypt from 1925-1929.
1930s. Even a thoughtful settler would see Aboriginal disregard of rural economics as a shocking rejection of the values of the Protestant ethic and the Industrial Revolution—more so than the Aboriginal habit of rejecting and ridiculing the men of God who tried to convert them.

The hard prejudice against the dark man had deeper roots. The killer and exploiter must remove the victim who presents, by his very existence, a threat to conscience and peace of mind. So his existence may be terminated: or he may be locked away from everyday sight on a reserve. In turn, this further crime against humanity must be justified. The more drastic the crime by which the white man removed the Aboriginal, the more he needed to believe and to proclaim that the victim was less than human. From this process comes the system of belief and view of the pioneering days which has been passed on in the white man's folklore to his children. Thus two histories of the colony begin—one handed on by the whites, and another by the blacks. The first is preserved in the colonisers' history books and folklore; the second in the colonised's folklore—a source of historical information which a few historians are now beginning to tap.

White folklore has been powerful in the development of the 'white Australia' mythology and attitudes. It has excluded the Aboriginal tragedy from many historical works, and poisoned many a school history text. It has softened the story of Aboriginal 'disappearance' with fantasies which make the brutalities almost respectable. I have heard a normally kind and God-fearing person express the wish that 'in a way it is a pity that they did not die out'. For many, ignorant and innocent of the reality of brutality and murder which the early generations of whites had to keep from their children (and as far as possible from themselves), the Aboriginal is 'un-Australian'—an embarrassing anomaly in what would otherwise be a tidy society, with each group in its place, and all believing (and believing in) the same things.

When white farmers throw things at a Prime Minister, their conduct is not attributed to some lack of human potential. When Aborigines demonstrate before royalty and Parliament, this reinforces impressions made by the state of Aboriginal housing areas outside of towns and denied the town services, by drunkenness in public places, reckless extravagance and disregard for money, stories of unreliability in employment, neglect of children, and the like. Guilt-ridden whites are plagued by visions of sexual irregularities stimulated by stories which

2 The idea was brilliantly developed by Albert Memmi in The Colonizer and the Colonized, Beacon Press, Boston, 1967, p. 53.
indicate that blacks live without social controls. They tend to attribute their own repressed impulses to the blacks, who are frequently more than willing to mock the prevalent mores. A defensive mockery has been used in defiance of the local police, health, education and housing officials, and especially those of Aboriginal welfare authorities—at least until all Australian governments but that of Queensland began to move from controlled welfare to negotiation and equality of rights.

This was the only course of resistance possible for a group long left out of town, regional, State and national planning, excluded from the national political system, denigrated as effective labour by the very rural interests which depended completely upon them, and discounted by Australian governments in plans to recruit migrant workers. Early in this century public schools in many regions were closed to Aboriginal children, and were not reopened to them until the 1960s. The establishment of an Aboriginal family next door, even now, is commonly regarded as an economic and social misfortune. Little wonder that the social horizons of all but a few young people are limited, that their political action is directed in the main against people rather than policies, and that non-co-operation with all whites and authority is the established norm.

We are now hearing from the first generation of educated spokesmen as they find their way out into national politics. But their political base consists, outside the metropolitan areas at least, of groups which still remain off the lines of communication with the intellectual and political movements of the outside world. Theirs is a deprived Aboriginal version of the old bush worker's ethos, for most of them lack even that degree of functional literacy through which such a way of life could be enriched from the popular literature. Even the experience of 'blowing one's cheque' openly in the pub did not become possible until the 1960s. Because of restrictive laws the Aboriginal version was to drink cheap 'plonk' in the bush. When these laws were withdrawn they still had the prejudice of the hotel keeper and his clients to contend with; and their own shyness and social inexperience as well. Their entry into the town pub has corresponded in New South Wales with the vast growth of Returned Servicemen's League and Leagues Clubs to which the prejudiced whites, as in the latter days of British colonies, may retreat to rattle their poker machines. Those who would be Aboriginal leaders are mainly quite young men, most of them of part white Australian descent. The supporters they seek remain parochial in outlook, sceptical of the young who would lead them and suspicious of attempts at organisation.
These new leaders and spokesmen are not the first Aborigines to play the white man’s political game effectively. The restrictive laws were less rigid in the latter part of last century than they became progressively up to the beginning of World War II; so that there was probably more chance of having a protest heard in 1880 than in 1940. In a few places Aborigines managed for a time to retain their houses and farms against covetous white neighbours. Diane Barwick tells how Aborigines on Coranderrk Reserve in Victoria defended the prosperity they had built on good farming; and how the school on Cumeroogunga, a reserve on the Murray River, provided better schooling than that available to local whites. But the whites, as elsewhere, got what they wanted in the end. And there were doctrinaire policies, based on fallacies about race, which justified governments then, and for a long time afterwards, in separating those who seemed to be predominantly ‘white’ from those who were deemed sufficiently ‘Aboriginal’ to stay on the reserve—even where this meant separating children of the same family. So the communities were dispersed, the reserves reduced, and the local white farmers moved in.

In each of the colonies which were to become States of Australia in 1901, government policies, firmly founded on the principle of Aboriginal inferiority, had, by the time of federation, frustrated the few more effective local attempts by Aborigines to achieve equality by playing the white man’s political game. Successes had been short-lived, and seem to have depended on such chance situations as a link between a small Aboriginal community and a humane and sympathetic politician. The colonial policies were administered by small sub-departments of the various bureaucracies; and the cultural differences made it inevitable that administration would be impersonal, with ‘problems’ appearing as abstractions on files, and no single officer personally responsible. For his job is to translate the will of ‘the minister’ into action which is logical in what it adds to the file. Generations of Aborigines, who have never had the remotest chance of understanding the immense effectiveness of bureaucracy for good or evil, must have felt like characters from Kafka, trying to get to *The Castle*, or to get sensible explanations for wrongs and injustices from the bureaucratic judges in *The Trial*.

The history of local political protests has yet to be written. Nowhere did they achieve more than temporary retention of meagre group assets for survival in frugal poverty. But many Aborigines learned to protest in terms which whites well understood. Some sent submissions to governments. These earlier movements and leadership remained rurally based. There could be no influx into the capital cities until the relaxation
of movement controls during World War II. There were radicals like Jack Patten and William Ferguson in the 1930s, who for instance planned the first modern political demonstration by hiring a hall in Sydney in 1938, to celebrate a Day of Mourning on the centenary of the first white settlement. But most Aboriginal spokesmen, like the first leaders in the colonial world, wanted to win their objectives by persuasion and co-operation. Some of them who are still active are regarded by the new generation of university educated radicals, well versed in the relevant literature from the USA, as ‘Uncle Toms’.

The youth of the new leaders illustrates the lateness of reform in Aboriginal policies. For some years Charles Perkins was the only Aboriginal graduate active in politics. He has had to play the roles of an intellectual endeavouring to create a unifying ideology, of public servant, of politician, and of welfare officer—strain enough to test any man. But a further generation of young people, either just through or passing through institutions of higher learning, is beginning to make its voice heard. In its youth and views it resembles the new generation of intellectuals in Papua New Guinea. But there are far fewer of them; and their task is so much more difficult in that they have a far greater problem of political identity, arising from the difference between the prospects of the new nation and those of an entrapped minority.

The Australian Commonwealth was established at a time of increasing emphasis on restrictive State laws, which could be defended as well intentioned, but which provided for removal of large numbers out of the general community of the new Commonwealth on to reserves. At a time when there were still Aborigines playing an active part in the rural economy, our constitutional ‘founding fathers’ could assume that Aborigines would mainly be ignorant and nomadic. There was no point in counting them among the citizens of Australia. As for voting rights, those who could vote under State law could vote in a Commonwealth election. When the Commonwealth, in 1911, took over control of the Northern Territory from South Australia, it legislated for Aborigines in the established pattern. State policies assumed two main roles for all Aborigines—as workers on pastoral properties in remote areas for low (or no) wages; or as inmates in institutions where they might be ‘trained’ indefinitely. In either case they were out of the way of ‘progress’ and out of the State and national political systems. In neither case was the matter of the right to vote likely to arise in practice, especially as the law proceeded to establish such offences for an Aboriginal as to have strong
drink, or leave a reserve, in two States even to marry, without the permission of an official.

Those in the southern areas of intensive white settlement suffered the full impact of these laws. From late in the nineteenth century they were increasingly restricted from using what remained of the tribal lands. The white farmers extended intensive cultivation, the fences went up, and the game disappeared. Aboriginal vulnerability and poverty placed their womenfolk even more at the mercy of the white townsmen and farmers. The full-bloods remaining gave place rapidly to half-castes. This new generation inherited some of the old, but mainly the depressed, Aboriginal traditions. Their predicament, by the 1950s, was a foreshadowing of what their fellow Aborigines of the north and centre might expect as the value of their lands became known to the white investor.

This briefly is the background of the new educated generation whose leaders have twice established and twice removed the Embassy. They are used to being told that they are not 'real' Aborigines, and that they have inherited the worst of both cultures—a belief commonly held in a white society which will not accept them as anything else but Aborigines. They share the political predicament of all other Aborigines, but their lot is perhaps even harder to bear. The only identity they can realistically aspire to is the Aboriginal one; so that their interests lie in raising the status of all people of Aboriginal descent. So do those of the tribal people, for they are in an earlier state of social change which culminates in the deprived state of the fringe-dwelling half-caste. An indication of this common interest is the effort now being made by the southern leaders to adapt the Aboriginal tradition to their situation. One great uniting demand symbolic of a need for justice deeper than either legal convenience or economic interest is the demand for land rights. For those who have maintained old traditions and the Law, life without control of their country is unbearable. For them, and for those who have lost the traditions, land rights offer both symbolic and economic compensation. The young leaders have the advantage of being articulate in English and knowledgeable in the processes of government. The probability is that the leadership of the growing Aboriginal political movement will remain with them.

Memories of brutality and deprivation handed down in the oral histories of each area must have helped to keep alive the tradition of non-co-operation with government authority. The politics of this resistance was extremely localised—to the station or settlement, pastoral property, fringe-dwelling or other town area. At least this was the case as
late as the 1960s, when I was employed to study a great many of these situations. The new leaders are learning how to fuse these local resentments to form the basis of an Aboriginal ideology. It would be wrong to assert that there is an organised movement supported by all Aborigines; or even that the majority of them know about such developments. The divisions between those aspiring to leadership, on personal as well as ideological grounds, are only too clear. But the fusion of local resentments into the stuff of a pan-Aboriginal movement is well on the way.

The reasons are not simply memories of past wrongs. Far more significant are continuing prejudice and discrimination, now less in the law than in social relations and bureaucratic attitudes. A prime cause of fury remains the assumption of ignorant and often innocent whites that the 'problem' arises from Aboriginal stupidity and fecklessness. Racist attitudes remain deeply embedded in the very bureaucracies recently set up to carry through a massive salvage operation, largely because they include many officers who learned about how to treat Aborigines in the days when the task meant applying rigid restrictions. Public service rules made it difficult to dispense with such people: and the kind of officer required is somewhat rare. Aborigines are increasingly irritated by the assumption that it is for the efficient whites to rescue the incompetent blacks, by helping them to conform to the Australian life style, whatever that may be. This is illustrated by the great expansion of the bureaucracies concerned, which must appear a great waste of resources to Aborigines who want to use them to build up their own political and economic institutions.

People who have been for generations at the whim of officials naturally enough regard the public service as the really important arm of government; and demand representation in it irrespective of qualifications. The argument is that Aboriginal officials would know at first hand what the predicament of Aborigines is. They want representation where they believe it will count, in the Australian Department of Aboriginal Affairs, which to be fair has been bending the old public service rules somewhat (I believe not enough) to provide for this. The pressure to dispense with public service qualifications is resisted in the name of sound administration; but it is being pressed more and more for political reasons. Aboriginal leaders seem to have realised that they represent too small a minority to make much impact through the ballot box, and press for control of the department which handles their affairs. They hope to place this body in a special situation of comparative
freedom from public service controls by converting it to a commission. This demand for a representative administration has been common in countries emerging from colonial controls. The Aboriginal entrapped minority is in the same developmental stage—but not in the same situation. For them there is no escape into independence. All they can hope for, so long as white prejudice prevails, is some political-administrative enclave in which they may protect their interests within the political entrapment.

Another cause of anger must be the tendency for academic and other bodies to emphasise Aboriginal differences; to see the black man as an object to be studied. Only now is it being seen that scientific research must emerge from this colonial stage into a co-operative enterprise. Otherwise, as Aborigines have begun to make clear, it will be resisted.

The frontiers of Australian history have recently been pushed back to some 40,000 years; and the record is of inestimable interest and value for all Australians and the whole of mankind. The Aboriginal tradition is a cultural asset, the only one really unique to the country. The new truths to be learned could provide powerful incentives for equality. It is greatly in the Aboriginal interest that they be revealed, for in this new time scale of Australian history the distortions and omissions of both academic and popular history (and especially perhaps of the school text books) become clear.

Aboriginal political action expresses a demand for a full life now, in this generation. In the new organisations being formed, Aborigines are beginning to see that they can improve their circumstances in the here and now. Even disappointment of hopes does not mean futility, for they are beginning to enjoy the basis of all human welfare—to organise and plan with those to whom they feel they belong, in order to get what they want. Entry into politics in one's own interest offers a fullness of living denied to their forefathers since white settlement displaced them.

But they have all too good reason to suspect that, whatever they do, prejudiced whites will continue to believe that any Aboriginal has a low intellectual capacity, and that his conduct is due to genetic limitations inherent in all Aborigines. For such beliefs we must go back to the exclusiveness of the Christian tradition, to the fear of the human being who was or who looked different, to centuries of prejudice preserved in European literature, where Caliban is always black and his master white. These traditions were reinforced by the temptations offered to the colonists, by the comparative defencelessness of 'natives'; by the ease of access to riches for the Europeans if only the natives could somehow be
removed or controlled, and in Australia by the very look of the world around us, where for so long a few whites controlled through superior technology so many Asians.

Aborigines have a good idea that they have little chance of changing these attitudes. They have made their protests for long enough. One of the most bitter, by the Aborigines Progressive Association in New South Wales, was made to mark the 150 years of contact from 1788:

You took our land by force ... You have almost exterminated our people, but there are enough of us remaining to expose the humbug of your claim ... We do not wish to be regarded with sentimental sympathy like koala bears as exhibits ... [nor] studied as scientific or anthropological curiosities ... We ask you to teach our people to live in the modern age, as modern citizens. Why do you deliberately keep us backward? Is it merely to give yourselves the pleasure of feeling superior? ... that we are a naturally backward and low race is a scientific lie ... At worst we are no more dirty, lazy, stupid, criminal or immoral, than white people. Also your slanders against our race are moral lies, told to throw all the blame for our troubles on to us.3

Here are many of the things I have just mentioned—the resentment of being regarded by 'scientists' of one sort or another as objects, the irritation with kindly paternalism and sympathy based on innocence and ignorance of the real history of the white-black relationship, and the impatience with the contemporary theories about the intelligence of native races. The impatience anticipated the more recent conclusions of science, but old beliefs remain in the white folklore. Finally there is the subtle analysis of the transgressor's tendency to placate his conscience by transferring his guilt to the victim. The statement remains an eloquent expression of the moving force of Aboriginal resurgence today. Similarly bitter expressions of resentment, in hundreds of Aboriginal languages, must have been made from the first days of contact.

While the new leaders are endeavouring to develop an integrated Aboriginal case and a national movement with its own ideology, ambivalence, inconsistency, and even ignorance of traditions of their Aboriginal forefathers is common to those who live in the settled and urban areas. For a long time many even accepted the white man's prejudice; so that people of 'white' appearance would shun their darker relatives and former associates. Back in 1945 Marie Reay and Grace Sitlington described the hierarchy of colour within the Aboriginal group

3 Melbourne Argus, 13 January 1938. I have used this quotation before, in Outcasts in White Australia, ANU Press, Canberra, 1971, p. 79; and use it here again because it so admirably illustrates my argument.
of a New South Wales country town. Four years later Ruth Fink went to the same place and described the same thing. A decade later still, I found the same incipient class structure in several country towns. But those ‘on top’ had in due course been frustrated as they came up against the local white caste barrier.

The families who strove for acceptance in white society were suspect to their darker fellow Aborigines. Yet they have tended to provide local leadership; and from among them have come some of the first Aboriginal spokesmen. Like the first spokesmen for the natives in so many colonies, they hoped for the change of heart in the whites which would admit them as equal sharers. The Queensland Government, although it is by far the most repressive, can find its Aboriginal defenders, even in the restrictive situations of its Aboriginal ‘communities’. In 1975 I heard the Chairman of the Palm Island Council defend some parts of the Queensland Aboriginal legislation. While the old laws prevailed hundreds in each State were ready to accept exemption from them so that they could drink legally in the bars.

The main division remains between the southern communities on the one hand, and on the other the tribal groups and those with enough of the tribal traditions to have retained a strong sense of identity, even though their country has been occupied by a white man’s cattle run. Broadly this division corresponds with the differences in coloration and features. It allows some whites to argue that the southerner is ‘not a real Aboriginal’. It even tempts a well meaning Australian administration to make most of its efforts where the ‘Aboriginality’ is most definite—in the centre and far north.

But for the purposes of politics and history the differences form a continuum in time and place. If the old injustices occur round the new mines in tribal areas (and they have begun), the Aborigines there will rapidly find themselves deprived of their country and traditions, to live as fringe-dwellers beside the new mining towns. Politically then they are in the same predicament as the southerners, and their social and economic fate could be similar. Efforts by southern Aborigines for their political education are condemned by white supporters of the old order as mischievous disruption. Half-castes are reputed to be ‘stirrers’, influencing ‘Our Blacks’ who are ‘happy as they are’.

Another hindrance to organisation lies in the limited experience of a generation which is now approaching late middle age. Their horizon and

---

their hopes were limited by former government policies in education. Some received elementary formal education and some were denied any formal education at all. The same generation was restricted to the lowliest forms of seasonal employment, with their migratory patterns restricted to immediate localities. Restriction by special laws, exclusion from common rights, and in some areas control of movements by officials have left in their wake tiny inward-looking, suspicious and often tense communities scattered over a vast continent. These have been so commonly ignored by most Australians that even when noticed the cluster of Aboriginal hovels has been generally accepted as a normal part of the landscape. Public policy reflected general indifference, and until recently the problems of these people were largely unknown.

Scattered over Australia there remains an 'archipelago' of tiny islands—groups of Aboriginal families surrounded by the sea of whites— islands to which they have been forced either by law or by economics to withdraw, and from which only the cosmetically favoured few in each generation have escaped by passing as white into the general society. The metaphor of the archipelago, of course, belongs to Alexander Solzhenitsyn. He used it to express the isolation of the Soviet Union's prisons and prison camps from the general society and, at the same time, their ubiquitous presence within it. In the USSR they form part of an interconnected system with its own controls and internal movements, and its own economic arrangements. This he calls the Archipelago of Gulag, which goes generally unseen and unheeded by the Soviet citizens who make up the seas in which these 'islands' are scattered.

The first attempt to form a common Australian policy about Aborigines was made when the officials of the Commonwealth concerned with this matter met those of the States in 1937. If the policy they recommended had been fully implemented the controls over the Aboriginal archipelago would have been almost as rigid as those of Gulag. The settlements, missions, camps and other Aboriginal institutions would have included all who were regarded as being legally Aboriginal. The State of Queensland went furthest to establish the Aboriginal archipelago and still adheres to its logic—or illogic. Some official 'experts' on Aborigines would, if they could, have controlled marriage so as to limit the increase of the part-Aboriginal population. Aboriginal descent, not political views as in Gulag, would have formed the qualification for entry into the system.

Most countries have their enclosed institutions for people who are denied citizen rights. Gulag is different because of its size, the savagery of
its administration and its use to repress political dissent. Today only small segments of the Aboriginal archipelago are under direct government administration. Its islands are the result of the settlers’ greed for the land and indifference to the first occupants. The indifference is illustrated by the fact that no government, not even that of Queensland which has adhered most rigidly to the policies of 1937, has ever voted the funds, trained the officers or made the effort to bring all Aborigines under a uniform system of control. The kind of settlement which takes over the land and in so many cases locks away the first inhabitants must obviously affect the settlers’ attitudes to ‘the natives’. It has certainly had its effect on Australian attitudes to ‘coloured people’, inside and outside Australia. Every country has its prisons, hospitals, mental asylums, orphanages and other places for people who for either their own good or that of society must be kept in one place. But in Australia one could be incarcerated, not for crime, ill-health or loss of parents, but for having been born Aboriginal.

During the nineteenth century and the first part of the twentieth, the laws controlling what the Aboriginal British subject could do became ever more restrictive. Yet the money voted never approached adequacy for the objectives stated, even had the aims been possible, or the means available. So some were born into the controlled systems of the archipelago (each controlled in its own fashion by a colonial government, or a Christian mission on the government’s behalf), because their parents had been born in the system (‘under the Act’ was the Queensland term, even in 1975). Others were brought into the system because they constituted a nuisance to white citizens, either by living on their own land (which the whites wanted), or by looking for food or employment in the towns. A few islands in the archipelago were for persons of Aboriginal descent who had escaped systematic controls, except for the exclusion from certain acts like drinking alcohol, or from certain kinds of employment (like shearing) by trade union decision, or from sending their children to State schools. Yet the operation of law and of prejudice depended on local circumstances; the exclusions were by no means universal, and some Aboriginal families have long shared the facilities and the fortunes of white fellow townsman.

Scattered along the east coast, in out of the way places, are small groups of mixed descent who may or may not have been regarded, or regarded themselves, as Aboriginal. Some have been descended from the ‘kanakas’ who were brought as indentured labour into the canefields in the late nineteenth century. Many are of mixed South Sea Island and
Aboriginal descent, with Indian, Chinese or other ancestry. As far as most whites are concerned, if they are fairly well off, they will be considered to be 'Islanders'. If not, and especially if they are in the poorest group, they will be 'Aborigines'. But wherever they are, and whatever the degree of sophistication, they will inevitably be drawn into the Aboriginal political movement, as the Torres Strait Islanders have been.

An interesting result of recent policies to facilitate Aboriginal decision-making has been the return of small clan groupings to their traditional country in the remoter regions. Almost certainly all Aboriginal groups now have some need for cash. But the needs do vary, and some for the time being have with comparatively small assistance turned their backs on the white man's polity and economy.

Another indication of a new independence is the expression of resentment by those who consider that anthropologists and other scientists have been treating them as objects for study. Perhaps the anthropologists have been prone to emphasise the differences between human societies somewhat at the expense of what all of us have in common. Reaction against being studied as an object is common among people emerging from colonial domination. In the Declaration of Barbados, made at a conference sponsored by the University of Berne and the World Council of Churches, the anthropologists working in South America were accused of colonial exploitation.

Anthropology took form within and became an instrument of colonial domination ... it has often rationalised and justified in scientific language the domination of some people by others ... The anthropology now required in Latin America is not that which relates to Indians as objects of study, but rather that which perceives the colonial situation and commits itself to the struggle for liberation.5

A similar demand for restoration of a just balance of mutual respect between peoples of different customs is to be heard in the Pacific. The Australian Institute of Aboriginal Studies has recently emphasised cooperation in research as the proper basis for inter-cultural studies. Perhaps the real test will come when the first Aboriginal anthropologist decides to study the attitudes of the whites in a country town, or perhaps those of cattle station managers in the Kimberleys or the Northern Territory.

The number who follow the tribal life as it was even half a century ago must now be very small indeed, though there will be many who, in the areas remote from close settlement, live in the old ways in the bush for part of the year; and fit the ceremonies of initiation and of renewal of the Dreaming into this time. Some of them live on the remoter pastoral stations; for their 'walk-about' could be fitted into the station routine, and save the management from supplying rations. The transformation of the nomad to the dependant or worker on the pastoral property, often in his own country, was an example of almost perfect laissez-faire. Governments supported missions in one way or another, and governments set up their own stations and settlements on reserves. They also demarcated large reserves from the end of the 1920s in the remotest parts of the continent, and framed laws to keep Aborigines in and others out.

Another situation typical of the Aboriginal archipelago is the cluster of houses on the fringe of a town, where Aborigines may live without authority on Crown lands, town common, or privately owned land. In such cases, as with the pastoral stations, the background is of a minimum of government protection (except to shift people from the 'fringe' to the controlled station, in which case the fringe either disappeared or was re-established in due course). From the earliest days Aborigines were attracted, or were forced to come for food and safety, to the town. In some cases the town was established in an important part of their country, and the interaction between town and tribe began very early. For instance, a very early fringe-dwelling population was at Elizabeth Bay, on Sydney Harbour, where Macquarie established Elizabeth Village for them. In 1826 Darling reported in a despatch on the vagrant habits and 'disgusting excess' in drinking spirits of the 'natives about Sydney'. Macquarie's concern was not typical, and Elizabeth Village soon made way for big houses. Even into the 1960s the level of services at the La Perouse reserve, on the southern fringe of Sydney, remained typical of the fringe-dwelling settlement. Thus the fringe-dwellers' slum resembles in its origins the 'blacks' camp' on the pastoral station: both came directly from the impact of an industrial cash economy, backed by irresistible power, on the economy and polity of a nomadic hunting population.

The other situations, which were produced by government efforts at 'protection', were not necessarily more humane. The motives were to save the Aborigines from extermination and ill-treatment, which the government by removing them from contact with settlers, admitted that it

---

could not, or would not, prevent by restraining the whites. But once out
of the way and out of sight, their interests were given very low priority. It
must be said that the State to which this judgment probably applied least
in this century was Queensland.

In the main, then, Aboriginal policy was a by-product of policies
related to economic development for the whites—policies about land,
labour, migration, mining, and trade. These emphases remained
predominant in Aboriginal affairs until very recently indeed. For
instance, only in a case involving Aboriginal labour (in 1966) could the
claim to the minimum 'living wage' have been deferred for three years by
the Conciliation and Arbitration Commission, to allow the government
and managements and investors in the northern cattle industry, to
'adjust'. The decision was that Aborigines were, as citizens, to be paid
the award wage, but not for three more years. Although there is now a
national Aboriginal policy designed to meet Aboriginal needs, action to
implement it falters and often ceases when it conflicts with other policies
on land, mining, trade, immigration or because of a need to reduce
overall expenditure. The needs of Aborigines as a politically weak group
may even be secondary to those of the bureaucracy set up to meet them.

Round the beginning of this century, when the Commonwealth of
Australia was established, white Australians could think of themselves as
in the forefront of humane legislation. There seems to have been a
similar view abroad. But the vision was of the 'glorious white Australia of
the southern seas'. This was the time of the great European empires,
when the power relationship reinforced assumptions of European
superiority. There was no place in the Australian fantasy for the socially
and politically remote dwellers in the islands of the Aboriginal
archipelago.

From one or other of these places there were, from time to time,
representations to governments about their conditions. Perhaps the main
significance of the Aboriginal Embassy was as the first attempt to create
an institution to speak for those in all the varying situations mentioned
above. Clearly the time was long past when one could seriously assume
that some day there might not be a separate community of Aborigines.
This begging of the whole question has prevented political and
administrative innovation for long enough.

7 Conciliation and Arbitration Act, Case No. 830 of 1965. The judgment may conveniently
be examined in Department of Labour and National Service Industrial Information
Nothing could more clearly demonstrate than the Embassy that Aborigines now have an emerging political leadership; and that governments in the long run must negotiate with it. Government has realised this, and has made the first moves, in the creation of the elected National Aborigines Consultative Committee, to encourage the development of a body through which all parts of the archipelago may consult and formulate requests, and bring pressure to bear on government in the Aboriginal interest. For some time Aborigines have been demanding greater powers for a National Aboriginal Congress. As this goes to press the government has committed itself to an Aboriginal Development Council.

The new leaders are reaching out into the areas outside Australia where they have good reason to hope for support. Links have been formed with anti-colonial communities in Papua New Guinea and Africa, and with the blacks and Indians of the United States. Perhaps the most significant overseas delegations have been those to Pekin. The Aboriginal predicament is probably almost as well publicised in these and many other countries as it has been here. This search for reassurance and support overseas comes from the same urge which produced the Embassy as a means of protest. The time has certainly come, as much in the interests of other Australians as in theirs, to develop new institutions for internal negotiation with this increasingly influential minority.
Commonly the term 'justice' is applied to the exercise of authority in decisions considered fair and proper. But it has a wider connotation, of those social relationships and conditions which ensure 'just' decisions. In the city state of Athens, some of the greatest intellectual endeavours known to us were concentrated on the study of this wider concept. Over two thousand years ago Socrates, Plato and Aristotle began a discussion about justice which has continued ever since; a discussion which always seems to come back to the records they left us, so that we might still say with the Greeks that 'Wherever I go in my mind I meet Plato coming back'.

Here we are concerned with justice as a condition of man's life—as a state of the social order which in its ideal form (never really attainable) would avoid the anger and conflict arising from the condition of injustice. Socrates, in Plato's Republic, defined the just society as one in which each man has a place suitable to his interests and capacities. The destruction of Aboriginal society meant that most Aborigines lost any hope of a satisfactory place in their own social order; and no place was made for them in that of the white settlers. Justice involves an accepted balance in human relations, between groups and individuals—between rulers and ruled, for instance. Thus, the ruler in a just society pays in good government for popular goodwill and for the power he enjoys. Aborigines have good reason to argue that their long subordination to the bureaucracies of Australia has not been balanced in this way.

What constitutes specific injustice reflects to some extent the structure and the assumptions of the particular society. But people in all societies are attracted by a political order which offers the chance to develop one's capacities and to pursue one's interests. All cherish that idea of balance (indicated, of course, by the fact that Justice is commonly represented in the west as holding the scales). Before there were institutions for
impersonal justice, societies developed institutionalised revenge. Critics of legally determined punishment, who see prison mainly as a place for re-education, often seem to lose sight of the social need to restore the balance between the criminal and the victim.

One of the most common requirements for a proper balance between human groups is that each should recognise the special claim to a particular area of land of those who were the first to discover, to humanise, and to use it. When the Europeans ‘discovered’ new lands in the period of industrial expansion, their views about the superior importance of their own interests, supported by pure greed and the view that in Christianity they were bringing that supreme gift to the heathens which would restore the balance, commonly led to their ignoring the prior claim of the ‘natives’—whom they often dehumanised, first in the use or perversion of laws to deprive them of their lives and property, and later in the law itself. There were citizens and there were ‘natives’, conspicuous in their physical differences. Even the science of the west could assume that these physical differences went with lower ‘intelligence’. That the colonised peoples’ sense of injustice endured was indicated by the collapse of the colonial system in the mid-twentieth century, and by the fact that ‘colonialism’ has probably become the dirtiest word in international exchanges of threats or information.

A condition of justice involves social and political relationships which enable individuals to satisfy their needs for a full life. In pre-industrial rural societies, the main social needs were met by emphasis on social harmony and on kinship and community ties. But to most Australians of our generation, adapted as we are to competitive industrialism and to social and political competition between individuals, justice as a condition of life bears a somewhat narrower meaning. Perhaps it has become ‘those social conditions in which the individual can, subject to the law, pursue his private ends and enforce his personal rights’, no matter what the consequences for the community may be.

For centuries great volumes of statutory and case law have been coming out of the decisions of courts and parliaments. Complicated bureaucracies to administer them have encapsulated this kind of justice within the ‘letter of the law’. Without such development there could not have been generations of democracy and liberty in the west on the scale of the nation state. Literacy has made it possible to establish uniform abstract legal principles applicable to and binding on millions of persons. (This in turn has made possible the totalitarian industrial states so prominent in our lifetime.) The development of very large political units,
the rise of classes and class interests, the articulation and implementation of interest groups of all kinds, set in the background of industrialisation and of the highly competitive economy of western society, have increased emphasis, in the formal judicial institutions and in the written laws, on settling disputes in accordance with rules and precedents. Of great concern in industrial society is the punishment of those who break the laws defending personal, especially private property rights. The emphasis on personal rights means that any group of persons, to become legally effective as a group, must register themselves by law as a 'legal person' (a company). The first group of Aborigines who effectively challenged white bureaucratic domination did so in this way. Those who had walked off the stations of the Pilbara and formed the *Pindan* movement took the advice of Donald MacLeod and in 1949 formed the Northern Development and Mining Company.

The relationship between justice and power has been an issue for analysis since human society became literate and self-conscious as in the Greek city states. Those who would rule effectively need a reputation for justice. Where rulers depend on force, or to the extent that they do so, the political system will be subject to constant upheavals from below unless they have at their disposal the techniques of complete terror and thought control, as in the modern totalitarian systems. (Whether and for how long complete control is possible need not concern us here.) But even these political systems attempt to win authority; which is a concession by the ruled of obedience to the rulers, and of their right to rule. One good reason is that willing obedience is cheaper than enforced obedience. Where people believe that the relationship is not to some degree reciprocal, that is, one from which they receive some benefit for obedience, they will attempt to change or modify it. The regime will be thought unjust; and therefore illegitimate. The attribution of legitimacy to a government makes it possible to institutionalise justice. Where a government is denied authority (that is not considered legitimate) the rulers must depend on the threat of physical violence, or of confiscation of assets. There seems always to have been a strong core of Aboriginal resistance from those who have refused to concede legitimacy to the white officialdom. This response appeared to officials as ingratitude, or the result of misunderstanding and a failure to see where their real interests lay, or a symptom of inborn stupidity.

Acts of injustice were easy for the colonists to commit. The gap between the institutions they introduced and took for granted and those of a people whose main concern was to conserve the universe as it had
been handed down from the great days of the folk heroes was very wide. For conservation of their communities and their country Aborigines had maintained ceremonies in each successive generation from time immemorial. Institutions may be embodied in ceremony and ritual rather than in documents and the written word. The meaning of ritual may be handed down in words which must be learned, sometimes by experts, in each generation. To break the chain of communication between generations (which was the deliberate policy of many Christian missions) was to destroy forever the meaning of the ceremony, or to render it pointless. The same result could come from sheer lack of interest in the young, or from refusal of the elders to commit sacrilege by handing on the sacred words and ceremonies to a younger generation they considered unfit to receive them. There might be reasons such as the removal of the people from the places where the spirits remained, which made maintenance of the ritual impossible. Words may lose their meaning even when they are preserved in written form, and do so much more easily where they are not. Some groups regard rituals as property which they may make available to neighbouring groups. Such property may even be stolen from one group by another, which could be a serious matter in Papua New Guinea and, I think, amongst Aborigines. In a time of stress, such property could be deliberately lost by those who were responsible for its retention and, perhaps, in the hope of its rediscovery in the Dreaming of some future generation.

Ritual appears to be a cohesive, conservative social cement, socially more significant than the meanings attributed to it. Ritual recreates the sacred, as when for the period of the dance-drama the dancer becomes the spirit he represents—the kind of transubstantiation which Catholics assume to occur in the ritual of the Mass. Especially in a pre-literate society, the meaning will be somewhat different for each participant and onlooker. Even where there is a written statement of belief, as in Christianity or other ‘religion of the book’ this must be so—if only because people will have varying levels of understanding and will interpret the statements in different ways. Where there was no permanent or precise ‘creed’, meaning must have changed easily, must easily have been lost, and often have been modified or replaced by the more imaginative participants. Hitler knew what he was doing when he adopted a ritual pose from a very different story, and told the German people to ‘suffer the little children to come unto me’. In most of colonised Australia, even the ritual became impossible because of depopulation,
lack of access to the proper locations, scattering and mixing of clan remnants, and through other causes.

A basic assumption in pre-literate society is that kinsmen should stand together. This is a constant theme—the unity of the group in a hostile world. The ceremonies emphasised support for custom, and confirmed the codes of conduct. The initiation rites formed a climax in the education and socialisation of each successive generation. To participate fully in a series of such experiences with a climactic finale was for the Aboriginal youth 'to pass through the Law'.

Characteristically, kinship groups included spirits of the dead and persons as yet unborn, whose special rights must be protected. Within the group a proper balance was essential for the continuity of living together. Lucy Mair once wrote: 'In the societies which have the least government these obligations are concerned with the limits of the use of force'.

Kinsmen should not kill or maim one another. Within the kin group force might be used to punish special offences such as killing another member or taking his property. Even this retributive violence might be limited in practice by the resistance of the offender's close relatives. There might, as in Aboriginal society, be set aside occasions for dealing with offences against the laws of kinship and property, such as personal injury or adultery. Here the violence might take the form of stylised combat, or of stylised wounding as in the common Aboriginal custom that the injured party spear the offender in the thigh. In societies where there was movable property such as cattle or storable crops, compensation might take the form of transferring property to the injured party from the injurer or his kin group. (Property transfers would more commonly be between kinship groups.)

A major political change occurs where for the first time a single person of high status assumes the right to decide what is done about injuries which are likely to wreck social harmony. For such an assumption of authority is the beginning of a stylised public office. The process is carried a stage further when such a function is transmitted by one person, on his death or withdrawal, to a successor; and even further when there is a custom recognised by all which enables the group to know who will inherit authority to decide, because this further development separates the office from the office bearer.

In all societies there will arise exceptionally able and attractive personalities. Such a person might well charm and dominate his fellows and monopolise decision-making. (It was Max Weber who used the term

'charisma' for the 'gift of grace' which marks such a person.) His orders may become the law while he lives; and he will be remembered after death as an heroic personality. Heroic figures may be revolutionary ones, defying the rules and wrecking the long established balance in kinship relations. Such a man may manipulate the system of gift exchange, and use his personal dominance to maintain a band of full-time warriors, justifying the cost of additional labour from the non-warriors by securing the boundaries and subduing traditional enemies.

Lucy Mair has suggested how such a leader with his followers might have taken over the function of revenge from the family of the victim — the beginnings of a 'court' and 'courtiers', and of the 'court' as an instrument to deal with those who break those rules on which harmony depends. Here is the germ of bureaucracy. If the economy can continue to supply enough food to maintain the leader and his immediate followers, they may be freed from toil to become full-time specialists in ruling. Thus the leader begins with his followers to establish formal institutions for making decisions and enforcing them, and here begin the magistracy and the police. If he uses his men to collect supplies for defence or attack against neighbours, he anticipates the taxation department and the army. Otherwise, the role of judging and of executing judgments remains as a part-time activity of men who must continue to labour for their food and shelter. Perhaps thousands of potential states have been aborted at this point of socio-economic change, with the function of judging and ruling remaining as a part-time activity of men who have attained leadership, but have no way to decide who shall succeed them nor time free from economic production to concentrate upon the functions of ruling.

Many must have claimed a special revelation and the claims of some have been acknowledged by their fellows. The charismatic figure emerges as a political force mainly in difficult and unsettled times. For the ideal of charismatic leadership involves rejection of the sacred traditions and laws for the special revelations of a 'rule of genius'; and rejection of rational and routine economic activity for dependence on plunder and free gifts. Such a revolutionary leader may disrupt social routines based on tradition. If his revelation appeals, and especially if his predictions 'come true', he may found a new religion, or a new set of laws. Mostly the inspiration will fail, as when the cargo predicted by the Melanesian cult

2 Ibid., p. 52 et seq.
leader fails to arrive at the expected time. As his authority depends on the peoples’ belief in him, failure brings rejection. But the traditions of the great days of excited expectation may endure and grow, so that even the fallen leader or prophet (probably after his death) may join the pantheon of gods, heroes, and saints.

F. E. Williams, writing about the Vailala Madness, one of the first millenarian movements in Melanesia to be studied by western scholars, noted that some of the followers were true believers, some imitators of true believers, yet others adherents for what they got out of the movement. Those who have gained from the changes will want to keep their gains. Where the leader has established a successful rule, his followers will try to retain their status and advantages after his death. They may search for a successor, or get the leader to nominate one. This is a critical stage in all revolutionary regimes, even those which are established in modern states, as indicated when the Secretary of the Communist Party of the Soviet Union dies or loses his authority. As I write this, Mao Tse-tung is on his death bed, and his followers are providing a nice illustration of the significance of traditional succession to leadership. Where the office of Head of State has been seized by force rather than passed on by tradition, there will be uncertainty on the death of the occupant. The most modern state will flounder where the succession is uncertain.

The state involves a permanent bureaucracy, a permanent set of offices, each to be filled by a succession of officials according to generally acknowledged and established rules. The beginnings of this seem to come from the ambitions of the first ruling class to retain their favoured positions and hand them on to their children. They will espouse what Max Weber has called the ‘routinization of charisma’; an attempt to have the people accept rules for the passing on from a leader of his personal claims to rule to an approved successor. Where this succeeds, the result will be a priestly, kingly or chiefly office, or a combination of these, marked by what Weber calls a ‘hereditary charisma’, which in turn validates a ruling hierarchy, perhaps with a mythology attributed to the revelations of the great founder. The exciting days of action on impulse are over. Those in power will now espouse an order purporting to meet common needs in a systematic and logical way.

Did the Aborigines have their cult movements and their charismatic leaders? Who can guess what social and political upheavals occurred in

the course of four hundred centuries of isolated social change? Careful observation of their society hardly began until a century after white settlement, by which time Aborigines and their world were 'out of joint'. The impression is of a people whose rigid and complicated rules had proved irrelevant in the face of an invasion from outside both unpredictable and overwhelming. In forty millennia there had so far as we know been no need, and consequently no development, of a centralised multi-functional office of ruler according to law. There seems to have been a readiness to obey a man of great personal authority, which could depend on his place in the kinship pattern, and his own wisdom and skill.

Where for so long social controls depended on kinship, the kinship rules became refined and complicated to a degree of high sophistication which was probably unique. But it would never have been developed except for essential purposes of peace and good order. These rules must have been needed for a condition of justice, for the proper regulation of human relations.

Some support for this view is indicated by the essential uniformity of the kinship rules throughout Australia. Here was a society marked by high agreement. Most people must have been satisfied with their places in it, if only because they knew no other. Where kinship rules indicate to all who the decision-maker(s) in particular matters should be, and who should be the leader who in the last resort ought to be obeyed in all matters, possibilities for conflict are reduced. Kinship 'conventions' might determine who he should be, subject to such practical matters as his age, skill and wisdom.

The extension of the father's authority beyond the family outwards to the clan, and less often to a group of clans, illustrated the use of kinship laws in the search for harmony, and in the intimate politics and economics of small nomadic groups. Harmony can never be perfect. The arbitrator who satisfies his own people's sense of justice may be invited to make decisions on other people's business. In Melanesia there was continual strife, at least after colonisation, about women and property (especially pigs); and especially so where marriage rules differed between groups related by marriage, which often happened after colonisation. A 'big man', respected for his wisdom, might mediate to settle inter-group conflicts. Among Aborigines matters of property, especially access to land, were probably of no less importance. The rules about marriage, which were associated with rights to land, were extremely complicated and strict, probably requiring settlement, for
numbers of 'cases', where and when clans met together at certain times of the year. The modes of settlement were as well known; and punishment for defiance of them could, in serious cases, be very severe.

The kind of progression in the direction of the state I have been suggesting rests mainly, though not entirely, on speculation. Weber's description of the charismatic ruler can be supported by knowledge of some remembered personalities although history offers even more examples of success gained by the calculating politician. In many societies kinship relations were inextricably tied in to the systems of gift exchange and access to land and its products, which would enable a skilful manipulator to so manage his economic activities as to get all others in his debt. His chance would be even greater if he were a leading war leader as well. Much depended on the circumstances. Aboriginal aggression seems to have been firmly channelled into highly stylised systems of combat, so that they did not need tribal chiefs for protection.

The heroic father will generally attempt to have his son succeed him. It may happen that the son, and his son in turn, exhibit similar charisma and competence in judging, and in organising followers to judge and to execute judgments. A stimulus to continue the habit of centralising power may be the threat of attack from another group. The leader and his assistants, to become full-time rulers, have to be armed and fed, perhaps clothed and housed as well. Their needs for survival and subsistence must be provided by the labour of others. Such labour may be secured by conquering and enslaving people from other groups. This is practicable only where there is a surplus product above the needs of the conquered workers, since they too must be fed. Conquest for permanent gain seems not to have occurred in Australia or New Guinea; and perhaps one reason was that it was not profitable because of the slender margin of food production over the needs for subsistence. A more likely one is in the comparatively small range of goods in the static and limited subsistence economy. But the firmest base for the permanent ruling class is a progressive division of labour within the community; and this depends on gains in technology.

There seems to have been a limit to such gains which could generally be passed only with the development of agriculture producing a surplus to support those who specialise in various types of work not related directly to production of food; and for the growth of cities and of the civic culture, facilitating in turn further kinds of production and trade. Living closely together eliminated the 'friction of space' (at least until the motor car began to choke up the towns). Some nomadic hordes could
maintain a ruling class by systematic plundering of the agriculturalists and by very large-scale herding of animals to meet basic needs of food and clothing. The great conquerers out of the Eurasian steppe had such a movable economic base. The Polynesians seem to have fed their chiefly class from a surplus of fish and root crops. They had neither wheat nor rice, but in Hawaii developed an irrigated taro. It used to be assumed that the Aboriginal economy offered no comparable support for full-time chiefs but this assumption, as indicated below, is of doubtful validity.

Every person had to attain high skill in each activity assigned to his sex and age group, and hard discipline, involving population controls, was expected of the individual by the group, and reinforced with religious sanctions. So much of the tradition has been lost so quickly in most areas that it is impossible now to see more than the outlines of the systems of belief. But a few experts like Professor Strehlow have found their way into the core of the culture of a particular language and cultural group. One can only envy the linguistic skill and empathy which enables such a scholar to suggest the richness of reference and cross-reference, and the subtle allusions to the unwritten cultural store, which enriched the songs and the lives of the Aranda; and which reinforced customs essential to survive, such as the restrictions on killing animals in certain areas.

Aboriginal political systems were based on concepts developed in isolation as a response to a world of their own. Their intellectual power was expressed in subtle classifications of the phenomena of the material world as they saw it. They covered the quite unique Australian landscape with their imaginative superstructures, probably, as Professor Stanner once said, ‘humanising’ the whole continent in this way—a process not likely to stimulate technological changes like agriculture, which could be a kind of sacrilege. Thus was enriched a life style maintained by very high physical (especially visual) skills of men and women. While the rigid distinctions and classifications of the kinship systems ensured socialisation of the young into these techniques, the elders could aspire to higher and higher stages of the Law, and the Law must progressively have been extended and refined, as rote learning led men on to speculation.

While this was enduring, whole civilisations rose and disappeared in the other continents. Central to these vast achievements of human

---

organisation was the concentration of power and authority and the emergence of literacy and written systems of law.

Aborigines developed very special skills for survival in an environment quite different from that of neighbouring land areas. The only indigenous tamed animal was the dog. The ecumenical religions dependent on literacy, such basic discoveries as the wheel or the growing of wheat, rice or other grain crop (as distinct from seed collection), the fruits of many civilisations preserved in literate traditions—all these were lost round the borders of the Arafura Sea. Islanders of Torres Strait and Papuans shared adjacent coasts with Aborigines without, it seems, much disturbance of a system of belief about the meaning of life probably much older than their own. The non-materialist set of the culture (in contrast with the materialist concerns of the Melanesian religions) was probably stimulated by the generally harsher continental environment. The religious awe of natural objects could have been confirmed by the physical changes to the Australian landscape over what amounts almost to geological time.\(^6\) The traditional beliefs involve an intimate knowledge of topography essential for the survival of nomadic hunters and gatherers. This intimate knowledge of the land would be even more essential as the country dried out in the central areas. (Danger does not produce many atheists in any society.) Here was no safe surplus enabling development of a more complex division of labour than that between sex and age groups.

What degree of power and authority was wielded by Aboriginal leaders? This is a matter on which the most competent scholars disagree. The processes of social change about which I have been speculating had certainly not produced tribal chiefdoms in the African or North American Indian pattern. The circumstances did not require such political and social responses. In any case, my suggestion about the germ of bureaucratic authority is by no means intended to indicate a unilinear process of political change.

It seems generally agreed that the clan, a small self-sufficient nomadic group of families, was the most significant political unit, and that the family of man and wife or wives, with their children, was the key economic unit. The settlers’ use of the term ‘tribe’ mainly indicates the limits of language in describing a new phenomenon. A number of clans which thought of themselves as belonging to a special group with a common name and language seems to have constituted what has been called the ‘tribe’. In pre-settlement conditions no such group, or clan,

could have increased its wealth significantly by conquering, enslaving, and dispossessing another. Had a surplus of production over subsistence needs been such as to offer such temptations, clans might have been forced to join into closer unions and to concede authority to tribal rulers, in their own defence. The concept of warfare as a means of acquiring assets might have made necessary, in turn, special arrangements for succession to the highest position of authority. Hereditary chiefdoms and tribes in the African style might then have appeared here thousands of years ago. But the Australian 'tribe' appears to have been a rather loose grouping of clans. Within each, the men of ability would win reputation and authority, at least in the matters in which they were expert. People would obey in those matters on which the old wise man took a position. One such person might be obeyed throughout a group of clans, although I have not heard of such a case. Clans sharing a common language would form an arena within which men of reputation might compete for leadership. Perhaps the typical historical progression elsewhere has been from the arena of competition for power, to the African-style tribe.

The dispute as to whether Aboriginal leadership involved a general authority or authority limited to ceremony and learning or other special activity perhaps assumes too easily a static political system. Some men, I think, would attain to general authority and would exact obedience in all matters, because of their ability and achievements. The important limitation, when one thinks in terms of institutions capable of description in the abstract terms of western political science, was that they must attain such authority by individual endeavour, not by set rules fixing accession to particular offices. There must have been a constantly changing balance of face-to-face personal relationships, without rules for the passing on of authority when the man of high degree died. His son might have the ability and the preparation to succeed him. But the germ of the state and of its bureaucracy, the foundations for impersonal bureaucratically delivered justice, had not appeared.

With the emergence of the full-time ruler and his assistants perhaps the most significant of all social inventions has begun. It is not too much to say that with the innovation of bureaucracy the concept of the state becomes possible. Perhaps the technical innovation most significant in bridging the gap between the tribal chief and his henchmen and the government with its office-bearers—a transition which accompanies the emergence of a concept of the office as distinct from the official—is literacy. The literate bureaucracy is but part of a major revolution. It makes possible, provides the vehicle for, and at the same time is
increasingly the product of, the application of man's intelligence (especially that of the most intelligent) to his own modes of conduct, to the refinement of principle into abstractions arising from the new possibility of embalming experience in books and the laws, to new ways of controlling the human and physical environment, and to organising men in new ways for specific ends.

Bureaucracy is the classic example, in its 'pure' form, of the attempt to apply abstract, literate logic to the running of human affairs. One spectacular example is the development of disciplined action in war, which becomes possible through, and helps to establish, the 'bureaucratic' outlook illustrated in a uniformity of weaponry and a mathematical approach to the logistics of supply. (This completely reverses the position where the special gifts of the individual heroic personality bring him the power to rule as well as lead.) The roles fit together logically; the official fills the role; the human counterpart of the machine makes and applies decisions according to rule and precedent, without any necessary relationship to social harmony. A central issue for men living in the shadow of bureaucracy is how to humanise and control its logic—especially now that it is becoming computerised.

The application of logical principles to production has proceeded side by side with their application to government. Increasingly, since the Industrial Revolution, the twin bureaucracies of production and government have overlapped and become interdependent, each reinforcing the other. The values of government have more and more become the values of economic gain, and the methods of production the methods of bureaucratic government.

This process was, of course, well on the way in Britain when the first Englishmen came as settlers into Australia. The justice they brought with them was a great system developed over hundreds of years of decision-making, refined and applied and refined again in accordance with the social changes which had occurred in Britain. It has been one of the great achievements of man, retaining universal concepts of what is the proper balance between men and adapting them to increasingly complex relationships. It had become particularly harsh in redressing the balance against those who broke the laws on property and restraint of violence, partly because of the emergence of the third party with interests in interpersonal disputes—the bureaucratic state itself. The Industrial Revolution had enabled those classes most likely to profit from exploiting the more helpless to gain control of the bureaucracy and to influence the state for their own economic gain. The distance between rulers and ruled
in Europe and Asia had made it easy to use the most horrifying (to us) penalties for breach of the rules. The tradition had remained, and probably been made acceptable by the part played by warfare in the experience of each generation.

The floggings and hangings which horrified the Aborigines round Port Jackson exemplified the great cultural distance between coloniser and colonised. White men's treatment of white men must have been as incomprehensible to blacks as the power of the officials, and the curious activities of the soldiers, police, convicts, merchants, pastoralists, clergymen and other specialists. It was unfortunate that the first Aboriginal view of the system was in the period of one of its lapses into savagery. Aborigines soon learned enough of this strange way of living for their own purposes; and what they learned obviously did not attract them.

On the other side of the plural society which was taking shape, no colonisers anywhere were more blind to the rules and the values of the colonised than these British settlers. Partly this was a matter of self-interest, since no-one wants to know that the man he has robbed is a very interesting person. But in the main it was due to the assumptions about their own place in the world in relation to those they categorised as uncivilised. They had brought with them complicated institutions for making and changing rules, for enforcing them, and for dealing with persons who broke them; and the further assumption that these rules and institutions embodied and made possible the greatest good; that 'progress' for 'natives' lay in learning how to use them, and especially in accepting the central myths of the Christian religion. Like other European colonists they could dismiss the possibility that 'native custom' could form a coherent and satisfying system, embodying thousands of years of human experience. Most significantly, the settlers were forever entrapped in the mighty systems of the bureaucratic state. 'Justice' included what the written law said about annexation and land, about the penalties for 'theft', about other offences against property; and about who should be subject to the laws. It is fair to say that this was all the justice they knew, that there were sincere enough attempts to use it (with the values it embodied) for the welfare of the Aborigines whose very hold on life was being taken. The anomaly has remained.

Great differences in experience separate a ritual spearing in the thigh from the processes of arrest, trial, presumption of innocence, proof of guilt before a court, sentence, and execution of sentence according to written law. Yet each serves the purpose of restoring the balance. Each
party judged the other's institutions for justice according to its own rules. To most settlers, the Aboriginal process of settlement was the pointless barbarism of a 'child race' and this view predominated sufficiently to prevent any serious attempt to give it legal recognition. So countless Aborigines have been denied justice against their fellows to this day—which has been a powerful factor in social disruption.

The Aboriginal who offended against the laws which he did not know, so long as he retained his own law, remained the uncomprehending observer of foreign rituals, which indeed did restore a balance—but only in the minds and the law of the colonists. Legal defence tends in such circumstances to become a farce, for this and linguistic reasons. The sentence appears even more incomprehensible when the 'offence' has been essential to restore a just balance within the Aboriginal group.

This situation presented problems for every colonial administration in its day. A common approach was to make provision for natives to assert and to be subject to their traditional social controls (subject to provisos that the processes involved should not offend against the laws of humanity). Certain 'offences' under the western law would not be offences for natives, for example plural marriage; while sorcery, long removed from the list of offences in the law of the white settlers, could be an offence for a native. But there have never been Aboriginal regulations for this in Australia, although the Australian administration of Papua and New Guinea used them.

Even more essential for justice has been the recognition of indigenous tribunals in which the colonised could settle their own disputes and deal with their own offences, subject to some rights of appeal. There are still several places today where the Aboriginal tradition remains strong and where Aboriginal regulations and courts are essential to prevent further social breakdown. The denial of the right to execute internal justice has been a major factor in breakdown of internal Aboriginal authority throughout Australia. For, without autonomous social controls, any human group disintegrates. These controls must be seen to be just.

It is simply not possible to know now in any detail how the Aboriginal system of justice worked; or what was the range of the intellectual resources contributing to its effectiveness, and handed on from one generation of wise old men to the next. The social controls were very strong and deeply internalised; and there were no alternative ways of living.

A great deal depended on control of population, of movement, of human relationships expressed in kinship, sentiment and ritual. For the
kind of nomadic life Aborigines led, it was essential for them to be in the right place at the right time, and to maintain harmony and discipline within the clan, while regulating relationships with other clans. The rules about marriage would maintain certain relationships to land which had economic as well as religious significance. For an incestuous marriage—one which broke the rules which seem so complicated to the westerner—the penalty could be death to the couple, and to the child whose existence did not fit into the system. Outsiders like the first white visitors might be placed within the system by a decision which fixed their kinship status and gave them a corresponding name, with a special term of address, and perhaps a link with some special place. The link with a particular place in the clan country, the place from which one’s spirit came, is part of the individual personality. The feeling of a special belonging is internalised by the processes of socialisation, especially initiation. The myth of the special place, of the ‘country’, gives a person his identity, and makes clear his rights and duties.

At the time of colonisation there do not appear to have been institutions which allowed one person to dominate all aspects of the life of his group as the holder of hereditary office; and probably there never had been in Australia. Each man and woman would know, and probably tend to insist on performance of, the duties of others. Marriages would be carefully arranged; and a man who had, perhaps in late middle age, gained much experience of the system and of the law on which it depended could, through acquisition of new wives giving him access to influential affiliations and wider social ties, gain in influence and authority. Marriage arrangements which might be made when the girl was very young were widely known: the ‘register’ of such contracts was the common knowledge and acceptance of them. At puberty the girl was expected to go dutifully to her promised husband.

Here was an area of deep interference by missionaries and by the other advocates of free choice and of monogamy. It remains a hard area of tribal resistance to western norms, where the clan and tribal law is extant, because the marriage rules are critical in the survival of the culture. But there must always have been ‘trouble’ about marriages, providing a constant flow of business for the clan tribunals, simply because people are basically prone to the same emotional urges, one of the strongest being the attraction of young boy to young girl. This universal human trait has presented problems in most cultures; and the ideas embodied in British assumptions have been applied in the matter of child marriage to penetrate and upset the Aboriginal social order, since the unwilling girl...
'promise' and her seducer might be protected by the white man's law and
greater power against the demands of Aboriginal morality and law.

When the Aborigines developed their own expressive English usage the
term generally used for disputes was 'trouble'. Trouble between
individuals or families could be settled at those places and times of the
year when the clan, or larger group, came together in places where there
was enough food for them all.

The method of settlement of a dispute which caused trouble to a group
was open discussion. Where there were men with influence and deep
knowledge of the law, they would tend to make the decision. To what
extent this function had become a specialised office, to be handed on
from one person to another, I do not know. But the procedure appears to
have become stylised in a way which involved the families and clans of
the disputants. Complaints would be lodged in ritual ways (just as they
must be in all systems of justice, the difference from our own being that
Aboriginal ways made use of words and gestures instead of writs). So a
man would express his anger by a ritual threat, well knowing that both
his own kin and that of his opponent would intervene to restrain them
both from anti-social violence.

Human nature in society being basically similar the world over, the
conflicts generally had underlying political significance involving contests
for power, influence and authority. Disputes between individuals and
groups would be about Laswell's universal political question of 'who gets
what, when and how'. But the group tribunal was also used to enforce
the basic laws on which people depended in order to live together
effectively according to their system of belief. The purpose of the tribunal
in righting a personal wrong was not so much to establish guilt as to
restore harmony; and this might be done simply by keeping the
discussion going until the emotions of those who considered themselves
wronged had calmed down, or some other matter or new development
changed the situation. Or there might be an agreed compensation; or the
person who was accused as the breaker of the law might be forced to
leave the clan and live with relatives somewhere else. Or there could be
symbolic wounding; or tensions be discharged in a fight, the fighters
constrained within certain traditional limits.

In a sense all of social life was a court; and the universal concern had
to be with justice, in a system where everyone had a place, and rights,
with his kinsmen to support him. If this is the system which had been a
way of living together for about 1,500 generations, with minimal contact
with ways of living in other continents, there is little to wonder at in the
wealth of mythology and tradition and the special complications in human relationships which have kept a few generations of white anthropologists busy with their kinship tables. To act contrary to one's duty according to the system was to be less than human. For serious breaches the penalty might be death. I have personally seen the deep shock of people when a drunken member of the clan has committed the sacrilege of calling out the name of the recently dead, and the frustration when such unforgivable sacrilege is not recognised by the white man's government as an offence. It has been possible for a few modern scholars to give some hint of that extraordinary wealth of allusion in the mythology which could enrich everyday life for all men and women. They have revealed something of the intricacy of the law, the stylised conventions found useful over thousands of years, a small part of a system of knowledge and belief held in and transmitted from the memories of the wise men to form the major cultural resource of succeeding generations. Once the memories were gone, it was all gone.

Warfare between groups seems to have been common enough. I think that battles would have been mainly athletic competitions in which a few might have been killed. Professor Blainey, who has studied the reports about Aboriginal warfare by the first whites to enter some areas, has suggested that this was a major factor limiting population growth. My own view is that this kind of warfare was not typical of pre-contact millennia, but largely a symptom of social breakdown resulting from the economic and other effects of white settlement, and the effects of the white man's power—and also of his example. One of the effects of marriage between clans had been that a man would have relatives outside his own group; and his relationship with them would be a factor limiting recourse to killing, and the numbers killed, as between intermarrying groups. Another limit was in the tradition of reciprocity, which applied in external affairs as in external trade. There was, I think, a balance of violence and counter-violence which is still the basis of international order in the wider world.

What I think the first settlers reported was in part a desperate fight between groups to survive on what land was left by the whites; in part a result of the enforced living in close physical association of clans and perhaps tribes whose political system had worked well when most of the year was spent in small separate hunting and gathering groups. Enforced living together greatly increased the speed of angry interaction, which would have been largely dispersed in the separate wanderings of small
groups. The grouping together would have to be on the country of one clan, which would resent the intrusion and provoke counter-resentments.

It is difficult to find evidence for some of the causes of increased violence but they may be guessed by analogy with other places like Papua New Guinea. White settlement was the centre of a new social magnetic field, from which new ideas and new artifacts radiated through the tribes and clans. The possession of a steel axe might make a person dominant in war, and tempt him to ambitions not before possible or imaginable. In the undeclared war between black and white some of the white man’s implements, and some of his animals, would be captured. (Henry Reynolds has recently shown that some Aborigines would drive off sheep and cattle to maintain their own food supply.) One result would be competition for new things; and for some, more time off from hunting to engage in fighting. It might partly be explained as an example of how tensions which cannot be discharged against the prime enemy may be discharged against secondary objects. When the old rituals became impossible with loss of country, there would be more time for fighting and quarrelling. There might have been opposing ideas about policy—on how the black men should deal with the whites; or simply fights to get nearest to the white settler either to use him, or to seek the comparative safety of those who had ‘come in’ from the bush and so were less likely to be shot there like animals. There is a laconic remark by Professor Ken Inglis in The Australian Settlers which suggests the wholesale slaughter along the frontier—that a common sight was a heap of human bones in the bush. But it also suggests the terrible impact of new diseases, like smallpox and measles. If deaths were attributed to sorcery, this would lead to violent retribution and increased inter-clan warfare.

Professor Blainey may be right; but my own view is that even the first white men to enter Aboriginal country out from the first settlements were seeing it under circumstances quite different from those which had moulded the lives of the fifteen hundred or so generations which had preceded white settlement.

There was, of course, no Aboriginal golden age; but the economic and political system had developed from the accumulated wisdom of a continuous tradition which could make even that of China seem new-fangled. The Aboriginal way involved some solutions to universal human problems which appeared as barbaric to the first white settlers, as those of the settlers appeared to Aborigines. The result was a mutual cultural
aversion; but the subsequent seven or eight white generations have seen themselves as bearers of the blessing of ‘civilisation’.

Their technology was enabling them to act out these assumptions all over the world; but it bore within itself the seeds of increasing social disruption. We live in a time when even the technology seems to be falling apart. One great advantage in the miniscule Aboriginal society was that each person had a sense of belonging, defined rights, and recognised forms of action to defend them. In many ways it was an enclosed culture. The earlier struggles for security and certainties which must have occurred were, I think, so successful that there was no great urge for change—until its members saw what the white man possessed and what he could do. In this way an isolated nomadic society could be as encapsulated as an Asian village which had all the resources and skills needed to live in a satisfying way until the people saw new things which created new needs.

Here and there in the Aboriginal archipelago there are enclaves where something of the old political system remains. Colonisers usually allowed the colonised to make decisions which did not threaten their profits or control. An appearance of ‘law and order’ satisfied colonisers’ consciences. (For the professed purposes of colonisation included the establishment of peace and civilisation.) But persons condemned by indigenous tribunals could appeal to the colonial court. If that court ignored customary law its decisions undermined indigenous authority and the customary restraints on the less responsible members of tribe, clan or village. But even more disruptive are police arrests. The social order is threatened, generally overwhelmed, by chaos. It may be disrupted with impunity by the drunken victim of chaos, a youth reeling and blaspheming the names of the dead, challenging the elders, the Law and public opinion. It is obvious that so long as there are persons who retain the old Law there is need for something like the special ‘native regulations’ which in colonies supported decisions made on principles and through procedures which in the indigenous tradition gave them legitimacy.

Recent research, and assessment of the research, have made it necessary to think again not only about the antiquity of Aboriginal society, but about its resources. Geoffrey Blainey has indicated what the application of intelligence to what the continent had to offer in the areas of reasonable rainfall had achieved. A long time ago Arnold Toynbee compared the Aboriginal with the Eskimo, as people who had developed

7 Very recent (unpublished) work by Nancy Williams establishes this.
extreme skill to survive in hostile environments and were forced to devote their energies to survival. Most white Australians would agree, because they remember or read of how Aborigines have lived in the desert regions which the whites were content to leave to them (provided there were no waterholes which the cattle could use). But even there they seem generally, on the basis of a unique knowledge and technology, to have lived well. And what we now know of the fruits and vegetables in the comparatively well-watered areas available to those who had the skill to find and prepare them (mainly the women) suggests a rich, varied and well-balanced diet, the establishment of which was, as Blainey points out, part of the 'triumph of the nomads'. Australian abundance, especially in fruits and vegetable foods, was so very different from that anywhere else that it does not seem to have been seen, even by white explorers, who were risking their lives to 'discover' what the Aborigines knew very well—and sometimes losing them for lack of knowledge about 'bush tucker'.

The Aboriginal world was a continent; and there is good evidence of how the continent was humanised and the human groups linked from one end of it to the other by a system of trade which was probably typical of pre-monetary trade elsewhere. The fundamental ethic of this was the gift exchange. The person involved gained prestige and influence, not from what he acquired, but from what he gave away. That it is better to give than to receive is certainly true where there is no money or universal medium of exchange. The code is one of reciprocity; that one's duty is to give to one's relatives and friends and distant trading partners, but also to receive an equivalent return. Since what is given will be remembered, one who gives more than he receives will build up known obligations from those who are the receivers; and what is a cheque but an acknowledgment of debt between two persons or institutions?

Wisdom in the law, leadership in war, and success in the gift exchange, were probably the main avenues to great reputations in Aboriginal Australia. Artifacts and foodstuffs were traded over long distances; and pre-historians have been revealing where the trade routes went, for processed flint tools, for instance, or yellow ochre. In some areas there was a great abundance of stored grass seed; in others of root crops or fruits. Professor Jack Golson suggests that this abundance was sufficient in the Cape York area to have supported, had the Aborigines so decided, some kind of ruling class of the Polynesian type. He has argued that the existence of a storable grain crop may not be essential for the development of a hierarchical system of officials and others. The questions he
raises certainly make one less confident about generalisations on what is essential to provide the beginnings of a state political system. But perhaps one factor is the uniformity of a basic food which is both imperishable and infinitely divisible for purposes of exchange with other traded items within the system; or of being used in an elementary tax to the emerging 'government' to pay the officials, the soldiers, the area rulers, and the other specialists.

Golson has established that people were cultivating the valleys of the central highlands of Papua New Guinea many thousands of years ago, and keeping pigs there. He has speculated on why these methods of production did not spread across Torres Strait, even though they were followed on the Torres Strait Islands. He is probably right when he suggests that people took to tilling the soil originally because they had to, probably to maintain an increasing population. Experience with the Aboriginal settlements established as part of the whites' Aboriginal policies certainly shows how difficult it is, once a group has 'sat down', to go back to the nomadic life.

But although they had agriculture, the Papuans had not developed a chiefly order of the African kind. They and the Aborigines would have their share of people who wanted power, and would use the system to get it; and parents being the same the world over, would like to pass on their authority to their children. On both sides of Torres Strait, this urge would be partly satisfied by the prestige a man could win in the gift exchange, or in wisdom about occult matters, or in war, or in judgment. Perhaps such people may lack opportunity to acquire a general authority, partly because of the egalitarian set of the culture. Perhaps in Aboriginal Australia a person could see himself as the centre of a network of trading relationships which extended so far that the gift given in youth might be reciprocated only in his old age. The arena for his possible influence might seem never to be one that a single central political system could contain or a single person control.

But suppose that iron weapons or even guns are traded into such a system from some outside group. The recipient will at once have a new opportunity to exert political power if the items are in such demand that they upset the whole value system in the gift exchange. I have a feeling that the men whom the first whites into the Solomon Islands described as 'chiefs' wielding tribal authority were really upstarts who were lucky enough to live in those coastal areas where the gun runners and the blackbirders began to operate. After all, some of the city states of southern Italy had ceased to be villages because their location enabled
them to sell their neighbouring villagers into slavery to the Arabs of Sicily. And perhaps if the men from the islands of Indonesia who came to gather bêche-de-mer on the coasts of Arnhem Land had been looking for slaves for the markets of Ceram Laut some ambitious clansmen might have been tempted, as were the Papuans of what is now Irian Jaya, to do likewise. But there is no evidence in the Aboriginal tradition, so far as I am aware, of a general subservience to the warrior-bully. Perhaps, like the Papuan, whose laborious method of producing food Aborigines seem to have rejected, the Aboriginal bent was strongly egalitarian. He seems to have escaped the state and to have found a condition of justice in his clan.

If a condition of justice is necessary for happiness, one may quote Captain Cook, whose humanity and insight is perhaps more reliable than the superficial comments of other early visitors impressed by the externals of what looked to them like abject poverty.

From what I have seen of the Natives of New Holland they may appear to some to be the most wretched people upon earth: but in reality they are far more happier than we Europeans; being wholly unacquainted with the superfluous but with the necessary conveniences so much sought after in Europe, they are happy in not knowing the use of them. They live in a Tranquillity which is not disturb'd by the Inequality of Condition: The Earth and sea of their own accord furnishes them with all things necessary for life; they covet not Magnificent Houses, Household stuff etc. they live in a warm and fine climate and enjoy a very wholesome Air, so that they have very little need of Clothing and this they seem to be fully sensible of for many to whom we gave the cloth etc. to, left it carlessly upon the Sea beach and in the woods as a thing they had no manner of use for; in short they seemed to set no value upon any thing we gave them nor would they ever part with any thing of their own for any one article we could offer them. this in my opinion argues that they think themselves provided with all the necessaries of Life and that they have no superfluities.8

It is significant that the impressions of William Dampier long before should have been so often used and this forgotten; and that even less attention has been paid to comments by perhaps the most acute observer of living things.

Early in 1836 Charles Darwin, having noted that 'thirty years is a short period in which to have banished the last Aboriginal from his native

island—and that island nearly as large as Ireland, left Tasmania from Hobart Town in the Beagle and on 6 February reached King George’s Sound. One event he recorded there was a corroboree. His description reveals the pre-conceptions of a British gentleman against what seemed to him a barbaric performance; but his comments on the happiness of the performers are all the more impressive for that.

It was a most rude, barbarous scene and, to our ideas, without any sort of meaning; but we observed that the black women and children watched it with the greatest pleasure ... Every one appeared in high spirits, and the group of nearly naked figures, viewed by the light of the blazing fires, all moving in hideous harmony, formed a perfect display of a festival amongst the lowest barbarians. In Tierra del Fuego, we have beheld many curious scenes in savage life but never, I think, one where the natives were in such high spirits, and so perfectly at their ease.

The comments of Cook and Darwin are probably superfluous to make the point—that Aborigines probably had the same chance of being happy or unhappy as other people. No social order could manage the resources of a continent for human purposes for so long without at least sharing the concern of all societies for justice. For Darwin, there was something childish in the enjoyment he described—a sentiment shared by most early observers, because the rituals they were sharing appeared pointless play. In retrospect it is possible, with what we now know, to see that the busyness of the whites appeared to the blacks equally barbaric and pointless, and inhumane as well.

Aboriginal preoccupation with social rules, with the unattainable perfection of the Dreaming, and their consciousness of the spirit world all about them which reinforced the old laws and rituals, would no more dispose them to respect the white man’s institutions for justice than he theirs—even had they not been repelled by his inhumanity. A society which had a significant role for each person probably met, in the main essentials, Socrates’ requirements for the just society. Its memory lives on in the tradition of an Aboriginal Golden Age.

It may be argued that there are clear limits on systems of justice which are constituted to conciliate differences between conflicting kinship groups; that the adjustments made would be more concerned with restoring harmony and avoiding ‘trouble’ than with the application of a

general principle to the case being settled. Certainly, harmony within the group is essential where life is lived at some risk. I used to think that without a written code only a limited amount of experience in settling conflicts of interest could be passed on from one generation to the next. I am not so sure now. The possibilities of the human mind might extend to store a vast amount of precedent and example if the need existed, and if what Professor Nancy Williams calls the ‘crutch of literacy’ was lacking. On the other hand, I believe that only the resources of the literate state make possible the kind of liberty which is still taken for granted by citizens of a democracy. I think that the Aborigines were moved by deep egalitarian sentiment; but lacked the political and administrative means to ensure that kind of protection of minority interests which liberty implies. I grant that such liberty depends on a very frail balance of institutions in the democratic state.

But the laws of British communities, exported with the settlers to Australia, did embody principles of liberty which flowered in this country for most people other than Aborigines. Now that Aborigines know enough of this liberty and realise the extent to which they have been excluded from its application, here is an added stimulus to the sense of injustice; and this must increase, in spite of the withdrawal of the special restrictive laws, as education brings realisation of the ways in which prejudice and practical discrimination limit Aboriginal liberty.

Disintegration, following the loss of traditional social controls, is to be seen in the absence of authority structures among Aborigines in the closely settled areas. This has seriously affected all areas of Aboriginal life and activity, from the child raising techniques, and the stability of the family, to the new Aboriginal political and administrative organisations. For almost two centuries there was no place for people who looked like Aborigines in the wider society, so that they had little hope of sharing the general condition of justice. The policies of the 1940s and 1950s and early 1960s were intended to make them disappear into the white community—in some way which was never clear. To carry out the letter of an absurd law required the mentality of Constable Dogberry; and solid, well-meaning Dogberries flourished in the field staff of bureaucracies dealing with Aborigines—as indeed they did in colonial bureaucracies.

These policies they had the determination to reject; but they were in any case doomed by the prejudice of the whites. So at least until recently there was little hope of a just balance involving Aborigines and other Australians, and the attitudes still common among the whites are not very
promising. The relations between police (who must appear to many Aborigines as the main agents of white government) and Aborigines in most areas are a national scandal. Police habits were formed when any Aboriginal arrested would almost certainly be convicted, and when he was unlikely to be defended. Nothing could be more damning than Elizabeth Eggleston’s survey of arrests and sentences, and of the attitudes of rural magistrates in the 1960s. Whatever changes have occurred should be credited mainly to the Aboriginal Legal Service, which is giving the police and other agents of the law reason to be as careful in dealing with Aborigines as with other Australians.

Even in the fringe-dwelling groups of the southern areas kinship continues to play a most significant part in social-political activities. It remains a duty of first importance to support one’s kin in disputes. Today, long after the indigenous system of dispute settlement and restoration of the just balance has become impossible, the normal disagreements which mark any social group must occur. Where legitimate means of settlement are lacking, disputes become more bitter. Conflict and suspicion against one’s fellows increase the tensions arising from control by police and by other officials. The official can at the same time be hated as an oppressor, and be called upon to interfere in disputes, even within families.

Tendencies to conflict are strengthened by the power of the white man. Because this cannot be seriously threatened, the anger is discharged against secondary objects, especially where the group is restrained within an institution, as happened to so many for so long, and which still occurs in Queensland. Violence between clans was one result on the big settlements of the Northern Territory, and was even more likely between different language groups. In the tiny fringe settlements round the country towns of the south, resentment of white tyranny might even be discharged in violence within the family. I have been on some river-bank and town common shanty towns which are deeply divided, each group refusing to have anything to do with the other. The difference may be between Catholic and Protestant; between those from different Aboriginal stations in the past; or between those who live on reserve land and those who have refused to do so.

The Australian bureaucratic hierarchy characteristically withdraws the most competent officials from contact with the public into its upper (and remoter) regions. Recent changes of government policy have not yet

11 Elizabeth Eggleston. Fear, Favour or Affection: Aborigines and the Criminal Law in Victoria, South Australia and Western Australia, ANU Press, Canberra, 1976.
solved the problem of an officialdom which lacks the confidence of those it is there to help. The Australian Government 'take-over' of Aboriginal Affairs (complete except for the Queensland region) also involved a take-over of old services and old tensions. For where law and justice are bureaucratised, when it comes to the crunch the public servants' security may have higher priority than the needs of a minority of low status which they are paid to assist. On the other hand, as we have seen in Chapter 1, an increasing (though very small) group of well-educated Aborigines has begun to learn how to use the political system as pressure groups.

At last, after nearly two centuries, with the guidance of the Aboriginal Legal Service, Aborigines are beginning to use the bureaucratic institutions for British justice. And these are, in the long run, the institutions most likely to enable them to escape situations of injustice, just because the principles of justice embodied are universal and humane, because they form a great interlocking system covering most aspects of social life, and because the law is constantly subject to revision and adaptation. I remember well a situation at a seminar in the University of Papua New Guinea where young indigenous law-students were demanding a return to 'Melanesian' laws and tribunals, away from the 'colonial British system'. They were reproved by two very distinguished judges, one a West Indian and one a Tanzanian. Both said that the fact that the system was British was irrelevant; that the law imposed by Australia happened to be one of only two great living legal systems; and that their own countries already had it. Implied was the message that village or tribal customs has no answer to many of the problems of the nation state and to those of many of its citizens. Aboriginal (or Melanesian) custom certainly retains its place among those groups that have always adhered to it. It may, as indicated above, fail as a system of social order without special regulations within the British Law and legal recognition of indigenous tribunals.

The hope for justice for Aborigines rests on their own political action, their success in establishing new institutions to press for equality, and on their finding their way towards their goals within, and protected by, the national legal system. Injustice to a minority denies the condition of justice to us all—especially now, when any desperate minority has access to that great equaliser of western civilisation—the gun. Our only hope for justice in the critical conditions of the world lies in effective bureaucratic institutions for it.

In the meantime, legal discrimination is disappearing; but social discrimination is another matter. For the Aboriginal sense of injustice is
exacerbated by the situations of his daily life. It is not only that the whites have made decisions of which he has been the unconsulted object. He has consistently been considered, on irrelevant grounds, less competent than any white person; and accorded a lower priority. Some changes are occurring—but generally at the cost of the ‘white backlash’.

Aristotle, long ago in the time when and at the place where the nature of justice was being so profoundly analysed, stated that it amounted to ‘equality for all’. Then, of course, he must deal with the problem of human differences. For some are more clever, of more influence, or in some way more gifted than others. He does so by relating the concept of justice to the particular activity in relation to which a decision must be made. Advantage, he says, should go to the person who can make best use of it: his particular qualities must be relevant to the activity being considered. This ties in with Plato’s idea that in the just society every man has a role to play which suits his special abilities; that his use of these abilities is for the good of society as a whole. The best flute player, said Aristotle, not the inferior player with irrelevant advantages like the most handsome appearance, or the highest birth, ‘should have the best flute’.12

In Australian society, the best opportunities still go to him who is white; for the black, no matter how much better he is suited to the activity, opportunities will be limited by the irrelevance of an Aboriginal appearance. This, of course, contributes to the sense of injustice; and to more explicit protests as the more educated makers of Aboriginal opinion believe that the irrelevancies of their ‘Aboriginality’ condemn them to seeing whites with lower abilities placed before them in the competition for advancement. Such protests, already heard, will become more common. ‘Black is Beautiful’, ‘Black Power’ (USA), ‘Negritude’ (French West Africa) have been the emotional protests of people who resent social and political emphasis on irrelevancies and the disregard of their claims on ethnocentrically decided, cosmetic grounds. These concepts of embittered intellectuals, incensed at such belittling of their skills and achievements, and denials of well earned status, have already been echoed among the black élites of Australia (and before their independence, those of Papua New Guinea).

Someone has said that in Africa many people ‘resigned’ from tribal life, attracted into the new economy and polity, so far as they could go. The attraction of industrial goods, and with experience of the money that was necessary to acquire them, has been almost universal; and as we

---

have seen, Aborigines were attracted as well as forced out of their nomadic systems of subsistence. It was a commonplace of colonial rule over tribal and village communities that places of European settlement attracted many more people than could be employed. One attraction is in the material things, and in the new foods, to be gained without arduous effort of the traditional kind.

But another was the resort made by tribal people to the imposed institutions of justice. An outstanding example was in Papua New Guinea in its colonial times. Australian patrol officers were kept busy settling disputes in accordance with the Australian law, partly because the recourse to warfare and other forms of violence had been prevented, but also because what amounted to an appeal from a traditional settlement of a dispute now became possible. The idea of individual liberty has, I think, been one of the most unsettling influences arising out of the imposition of the western legal systems. The loser in a society where the settlement is made for purposes of harmony within the clan or other small group has no recourse to appeal; yet such a settlement would not occur without support from his kinfolk. The man most likely to appeal to the western law was either a strong character who felt that his kin had sacrificed him for the sake of political harmony or a person of whose conduct even his kin could not approve. He might also be one whose conduct was criminal in the eyes of his fellows—in Aboriginal society one who had seriously offended against 'the Law'. Once there is another law, such a person has an avenue of escape into the protection of the police or the missionaries, so long at least as his offence is only against the tribal law. The very humanity of the western law may thus prove to be a factor for the frustration of traditional law.

In the Aboriginal case, the deprivation had been too complete, the whole area of first contact too bitter, and the settlers too far from understanding even that there was a traditional law for serious experiments in adjustment as, for instance, with Native Regulations, which in time developed in other colonies of the British Empire. Instead there was a history of lukewarm attempts, without any serious commitment or financial backing, to treat the Aboriginal as a British subject while at the same time robbing him of the very basis of his existence. His attempts at violent protest were generally settled outside the law, in mass violence by police or by settlers anxious to free their newly acquired property from the inconvenience of the first occupiers. Thus in practice the principles enshrined in the British law were suspended where they would have established inconvenient 'rights' for
the Aboriginal, in all frontier situations. He was a British subject once his rights had been so completely disregarded as to reduce him to pauperism; and from then on those most likely to claim them would be the deviants from the traditional Law. Thus effective suspension of the British law would be followed by its destructive interference, which was a factor in hastening Aboriginal social disintegration.

This contradiction between facts and the theory of law and justice applied to him left him without choice, since he was hopelessly at the mercy of the whites. Neither system of law could work for his society, which rapidly disintegrated in area after area into chaos. The attempts to join the new order were held up 'on the fringe', in conditions of such poverty as to impress the whites with the picture of ignorance and misery, and to bring the inevitable reactions—to place these people where they would no longer offend by being seen, so long as they were not profitable as labour; and to apply to them laws which restricted their movements, placed them under increasingly rigid controls and dispelled the passing impact upon the consciences of the whites. So developed the whole body of special laws for the Aborigines, by which their theoretical citizenship was limited and which gave them over to the control of the various bureaucracies. Some aspects of these controls will be mentioned in a later chapter.
We know that the white man does not understand our ways. One portion of land is the same to him as the next, for he is a stranger who comes in the night and takes from the land whatever he needs. The earth is not his brother, but his enemy, and when he has conquered it, he moves on. He leaves his fathers' graves behind and he does not care. He kidnaps the earth from his children, and he does not care. His father's grave, and his children's birthright are forgotten. He treats his mother, the earth, and his brother, the sky, as things to be bought, plundered, sold like sheep or bright beads. His appetite will devour the earth and leave behind only a desert.

Thus answered Chief Seattle to the President of the United States in 1854, when the Great White Father had offered to buy some Indian land.\(^1\) Part of the difference between them arose from the transformation of the land to a commodity in the mind of industrialised man. Nothing could be more shocking to an American Indian, an Aboriginal, or a member of any of the hundreds of pre-industrial societies which were overwhelmed by Europeans.

The difference is one of morality, between that of a subsistence economy and that of a cash economy, especially a capitalist one where the tendency is to bring everything into the market for sale, irrespective of the consequences. The symbols of the majority may be used for fools to scream at in profitable mass hysteria; and so the little ones are suffered to go to Jesus Christ Superstar. Sacredness of the contracts to sell uranium outweighs the consequences. Aboriginal 'country' had long become a means for white men to make money.

By Australian standards of course Chief Seattle was lucky. He was at least offered the chance of getting into the money economy by selling his

\(^1\) Quoted in the \textit{Canberra Times}, 5 June 1976.
land. True, the payments would, in effect, have been a book entry, since he and his people were to be confined to a reservation. With Aborigines there were no deals at all. They learned, each clan in its turn, that by white man’s law their land had been taken over by another Great White Father (mostly Mother) for his (her) white Australian children. When a few remnants were moved on to the miserable reserves in the south, they believed that the Great White Mother, Queen Victoria, had given them something back; that these lands really belonged to them. 

During the last decade a series of interlocking causes have brought a new wave of degradation to the Aborigines in remote areas. Payment of the basic wage to the Aboriginal station workers, even though it was staggered over three years (at the expense of the Aborigines, of course) had been opposed by the pastoralists with the argument that this would lead to their expulsion from the stations. In the Northern Territory the Australian Government could have protected their long-standing right to stay on the leaseholds; but as usual beef profits came before people. Villages could and should have been excised from the leases and access roads provided. When the Gibb Committee so recommended, the main effect was to warn the pastoralists to get rid of their ‘station blacks’ before they came to learn what their rights were. Along with illegal pressures to move them from the properties was new pressure in the Northern Territory legislature to restrict the right of Aboriginal entry to leaseholds to full-bloods, thus avoiding the effect of visits from those politicised part-Aborigines from ‘the south’ who might ‘agitate’ against the pastoralist. 

This pressure goes on, and the latest idea of these benefactors of the blacks is that an Aboriginal entering on to a pastoral leasehold should go there on foot, with his spear, not in a motor vehicle. Aborigines with guns might threaten the native fauna—or what is left of it after generations of white men with guns. So a new generation of fringe-dwellers swells the old ones round the towns of inland and northern Queensland, the Territory, and Western Australia. Cut off in a few years from their own cultural resources, they have been compensated for the new deprivation by the payment of social service benefits. At least they have something to live on. But they have nothing to invest in their new surroundings, unless they acquire land. For this end they have two hopes—that they may be among the lucky few for whom the Aboriginal Land Rights Commission may purchase property or that they may acquire land under the 1976 Land Rights Act. But the Commission received no additional funds for 1976/77; it was allowed only to spend money which had been ‘frozen’ by
the government in early 1976. The pastoralists had the additional motive to 'rouse' them, as the year advanced, of seriously reduced beef prices. The new technical development of using helicopters for the annual round-up cut their costs and also their dependence on the Aborigines as a stable workforce.

For the Aborigines of the desert 'outback' this means disaster comparable with that which struck them in the first expropriation. A symptom of disorientation is shared with the whites in the frontier areas, similarly cut off from the support and stimulus of the environmental and social sources of order and culture—resort, when they have money, to the pub. The apparent reckless abandon may be shared by the women, although generally they manage to keep the family together and to protect the younger children. As in the first expropriation, alcoholism results from much deeper malaise. Mainly it offers escape from a hopeless situation.

In October 1976 a Commonwealth Parliamentary Committee was shocked by what it saw in the Northern Territory. There will inevitably be much learned discussion about why Aborigines drink and why their children sniff petrol to excess. There will no doubt be research projects to form the basis of an anti-alcohol policy for Aborigines (since they are more visible than other Australian drunks). It is probable that the real and obvious cause will be discounted, for the same reason that it has been largely ignored for so long—that the cost to the whites is too great. But if there were no hope that a genuine land rights policy, accompanied by other efforts to allow Aborigines to own a just share of the national estate would provide a basis for constructive change, I would certainly not have bothered to waste all these words and the time of whoever has the patience to read them.

Drink can be controlled by the public opinion of communities. But communities cannot function without some resources other than a poverty-line living allowance. Alcohol, petrol sniffing, and other indications of a poverty below the level of effective community functioning are symptoms of complex causes which the history of these situations makes clear enough. But it will be much cheaper in the short term to deal with the symptoms; and certainly will involve less danger from the white voters. In the long run it will be much more costly to keep a category of paupers indefinitely; and politically far more dangerous to do the very things that ensure the rapidly increasing hostility of a small but desperate minority.
The principle that those who have first occupied land have a special claim to it was disregarded in one context and recognised in another by European governments annexing colonies. Legal recognition of ‘discovery’ and ‘annexation’ was accorded to governments they recognised. ‘Discovery’ of Australia by Aborigines, of course, was not recognised legally, like other ‘natives’ who lived in pre-literate and pre-bureaucratic political systems they were taken over with their lands, which could, by the coloniser’s law be legally annexed. However, the natives certainly held to the principle that prior occupation gives a special claim.

They also adhered to the principle of reciprocity, of the need to maintain a continuous balance of advantages which arise from transactions between persons and from those between social and family groups. This moral principle was often so strongly held as to be fundamental to the whole range of social interaction. Thus the chief means of economic distribution was often through the continuous process of exchanging gifts, each gift creating a corresponding obligation. The way to power or authority might lie through this gift-exchange process. An ambitious man would seek to fulfil his ambitions by creating in the minds of others obligations arising from receiving his gifts. He would also be wary of accepting gifts from a rival which would create in his own mind a debt; so that gift-giving contests were an important form of political competition.

When the first settlers built dwellings and depastured stock on Crown lands, the Aborigines must have been offended and shocked by their apparent refusal to reciprocate with gifts for the use of the land. Their attacks on stock and persons asserted their right to eat what was on their own country. Aboriginal violence must also have been an attempt to teach the newcomers how people ought to behave according to the Law. The whites were equally determined to teach the blacks to obey the Law; and self-interest supported their legal claims based upon government land grants and pastoral leases which, in turn, depended on the legality of annexation. The Aborigines appeared, to them, merely to ‘wander over’ the land rather than to use it in ways which established a right to it. The settlers could see no boundaries nor dwellings for instance and, perhaps uneasily in many cases, would decide if not assume that they were the first really to use it. As true descendants of Adam and Eve they obeyed God’s commandment to go forth and till the soil. The more philosophically minded had the authority of John Locke that land belonged to those who first put their mark on it with agriculture. In due
course this made it possible to treat the original inhabitants as the intruders. Then justice required that intruders who killed stock should be treated as criminals, or at the very least be removed somewhere else and restrained from temptation.

'And when' wrote Niccolo Machiavelli, most realistic of thinkers about power, '[the Prince] ... is obliged to take the life of anyone, let him do so when there is a proper justification and manifest reason for it: but above all he must abstain from taking the property of others, for men forget more easily the death of their father than the loss of their patrimony'. The modern habit of killing millions in war does not lead to permanent hatred between nationals of the rival powers. But the loss of the smallest area of territory is a different matter.

To seize from its original occupants all the land, and all it contains, and to set up a new way of using it which excludes the original occupants, while desecrating their symbols and monuments, probably forms the most enduring injury which one group of people can inflict upon another. All the more so when this is followed by removal of many of the survivors from their country, by restriction of their movements within limited areas, and by ostentatious enjoyment by the victors of the proceeds.

I have said 'the most enduring injury', because if all the conquered and their offspring, including those who are descendants of both groups, white and black, had been killed, the injury would have been complete, but not enduring from generation to generation. Even in Tasmania, where for a long time it was assumed by government that there was no 'Aboriginal problem', the injury has proved to be an enduring one, since the part-European descendants of the Tasmanian Aborigines have survived, and have been forced to consider themselves Aborigines.

In southern Australia, resentment of injustice might have been forgotten, instead of being handed on from generation to generation, had the descendants of those expropriated been attracted to the whites and their culture, and helped to use the land and to share in the new forms of wealth. Other peoples, like those forced into the Roman Empire at one stage of its development, have been charmed by their conquerors into joining them when opportunity occurred. But there was no way in which the descendants of Aborigines could share in the new way of living, except those few of part-European descent in each generation who could pass as white. Had new gains and interests been made possible, new

activities might well have counter-balanced folk memories of deprivation and brutality, if only because a majority of Aborigines are of part-British descent, and may claim the British as well as the Aboriginal tradition.

But these people now form what Leonard Broom has called the 'unnecessary minority'. Denied a 'white Australian' identity they have been continuously forced back into a search for an Aboriginal identity and tradition. Oral traditions are fragile, and can be lost, or almost lost, when a single generation has no chance to hear them in a meaningful context: and when traditional socialisation of children and youth is rendered impossible. So all that most of them have is a series of unordered remnants of the tradition, overlaid by the stories of persecution and injustice which are reinforced by daily experience. Resentment of injustice has stimulated the subtly maintained resistance to white officialdom, the satirical comment on white middle class mores and institutions, the refusal to co-operate in the efforts to 'improve' and control them and the sporadic open defiance of police and other local authority.

By 1972 when the first large-scale efforts to ameliorate their lot began, the part-Aborigines had been blocked, as it were, at the end of a long road of progressive decline in welfare and opportunity; and the groups of full descent in the north and centre of the continent were on the way into the same impasse. A view often advanced is that the 'true' Aboriginal, holding to his own ancient tradition, is being misled by the sophisticated urban and southern rural part-Aborigines. This restates a fallacy dear to colonisers—that the good native up there in the bush can be depended on to heed and obey his white mentor; that what he needs is not politics but good government by those who know what is good for him; and that the chances of this are being wrecked by the politicking of the native sophisticates. It is more likely that dispossession from the country and the more recent threats to land (even though a tiny fraction of it is now in process of being returned to a few lucky groups) is a highly political matter affecting all Aborigines. The unifying theme in the first Aboriginal efforts in western politics has been land rights.

So the present sophisticated spokesmen appeal to a common Aboriginal sense of injustice; and especially, on the matter of land rights, to those who have remained on their traditional lands, or somehow retained ties with it; and have come to realise what has happened in the closely settled areas. Such people still have the constant reminder of what they are losing or have lost because they still live in their country; but only by grace of the white leaseholder or legal owner.
The 1970s have been marked by a further dispossession of those who preferred life on the stations to life on the reserves, or to the anxiety and chaos of life in new fringe-dwelling areas round the towns. In 1975 the results could be seen round the townships of the Kimberley area. Here were families who had been living for generations as peons without land in their own country. The association with the sacred places was the main compensation for their meagre rewards once the pastoral industry had spread over it—the absence of effective shelter, of safe water, the lack of balanced diet, once white settlement had come down like a blight upon them. The miserly conditions in the pastoral industry had been traditional for so long that they were maintained long after they were no longer necessary for profit of companies and white settlers. The law generally provided that Aboriginal workers and their families should have minimal housing, with clean water and other requirements for bare survival. Sometimes, possibly in less than one case out of ten, the law was obeyed. The survival of pastoral enterprises had been assumed by managements and even governments to depend on avoiding expenditure on such items.

But these Aborigines had not, until now, fled from all this. In the past many others had—into the dead-end of the reserves and the town fringe-dwellings. This later stage of dispossession has been occurring in Queensland, and even in the Northern Territory, where by law Aborigines have access to the leasehold properties, to remain there and to hunt the native animals and use the natural waters. The government has heavily subsidised the sinking of station bores; but it has not provided that Aborigines have access to bore water. Rights of entry and use are not of much advantage where people do not know of them, or where they have no way of demanding them. Managers have simply ‘roused’ many groups from their country. The Aboriginal Legal Aid organisation has probably arrested the process in some cases, but in practice it has been almost impossible for a family to survive on a property against the will of the management. There has, however, developed some effective Aboriginal organisation for quiet resistance and for publicity, such as brought final victory to the Gurindji in their occupation of Wattie Creek on Wave Hill Station. These people defied the management after

refusing to work under the station conditions, went to the heartland of their country at Wattie Creek, and by a process of firm political pressure against what seemed impossible odds, had the lease to that area bought from the very big British firm which had exploited and ‘used up’ the black labour force for generations. This marks a new development in Aboriginal organisation and leadership and will strengthen political action on land matters.

I was present when the Prime Minister symbolically poured the dust of Wattie Creek country into the hands of old Vincent Lingiari, thus formally making over possession of that part of Wave Hill Station. Like all groups which remained in their country as cattlemen, the Gurindji had managed, through the hard adaptation described by A. P. Elkin, to retain much of their own inner life and old ways. As on many other stations, tradition had been reinforced by migration into the station camps from the desert areas beyond the grasslands. This migration maintained the labour supply by reinforcing a workforce being decimated by the level of the ‘services’ for black workers on the stations. The newcomers took the place of those families which perished through disease and starvation. Their reinforcement of traditions must have produced synthesis of their own myths with those of the new country which they would henceforth help to ‘look after’. Such migration illustrates the ‘pull’ of industrial goods and foodstuffs: Aborigines for generations were attracted by them and generally frustrated in attempts to get them.

But tradition maintained cohesion. This in turn made group decisions possible. In the 1940s effective group action by Aborigines over a wide area occurred when Donald McLeod, a white bore-sinker, showed the Aboriginal workers of the Pilbara how to use the white man’s law to organise themselves, to use an adapted version of the strike and walk off the stations, to claim places to rest and live under Miner’s Right, to organise and register a company. They have maintained separate organisations from then until now, shaping the traditions to the needs of mining and incorporation. This was a precedent for the walk-offs from several stations in the Northern Territory in the 1960s (though the immediate stimulus was the decision to defer award wages). That by the Gurindji (with those who had joined them on Wave Hill Station) was the most successful.

Their leader, Vincent Lingiari, is a truly heroic figure. Fortunately Frank Hardy was there to describe the decisive and pathetic march of this little band from the ‘blacks’ camp’ to the heartland of Gurindji country at Wattie Creek; thus making a direct challenge to the validity of the white man’s pastoral lease. ‘The white men including myself, who had assisted . . . to organise the Wave Hill strike, believed the issue was wages and conditions. But the first thing Vincent [Lingiari] had said to Tom Fisher was: “You white fellas bin play bloody hell with black gin women”. And the first thing Pincher had said to me in September was: “This bin Gurindji country”. For decades their women and the ‘places of their dreaming, where the dead and the living are one’ had been subject to the lust and greed of the white settler. Now they were turning their backs on this and going home, defying the white man’s law and claiming justice. ‘Vincent Lingiari said firmly: “Don’t matter ’bout that Canberra mob. Wattie Creek bin Gurindji country. We go there”. Having ‘sat down’ on their country for some months, they sent a petition to the Governor-General, with a map to mark the area they were asking for.

Our people lived here from time immemorial, and our culture, myths, dreaming and sacred places have evolved in this land. Many of our forefathers were killed in the early days while trying to retain it. Therefore we feel that morally the land is ours and should be returned to us. Our very name Aboriginal acknowledges our prior claim . . . If you can grant this wish . . . we would show the rest of Australia and the whole world that we are capable of working and planning our own destiny as free citizens. Much has been said about our refusal to accept responsibility in the past, but who would show initiative working for starvation wages, under impossible conditions, without education, for strangers in the land? . . . In August last year, we walked away from the Wave Hill Cattle Station. It was said that we did this because the wages were very poor [only six dollars per week], living conditions fit only for dogs, and rations consisting mainly of salt beef and bread. True enough. But we walked away for other reasons as well. To protect our women and our tribe, to try and stand on our own feet. We will never go back there.

There is an acknowledgment that their wishes ‘have been written down for us by our undersigned white friends [Frank Hardy and Bill Jeffrey] as we had no opportunity to learn to write English’.  

6 Ibid., p. 168.
Hardy's earlier assumption that the move was primarily a demand for just wages and conditions was understandable enough. We tend to interpret group actions in colonised 'folk' societies in terms of the institutions we know. Thus in New Guinea and in other colonies, group action for changes was seen by Australian officials in the light of their own assumptions. Whether a particular movement was regulated under the law applicable to a welfare society, a town club, a workers' association, trade union or an adult education group would depend largely on which government department happened to deal with it. As for the indigenous group, Papua New Guinean or Aboriginal, its members do not see the pattern of their lives and actions as falling into different compartments corresponding with those of a western public service. The Gurindjis had come to the point of rebellion against white men's domination and injustice, rejecting the whole imposed system. To see their move as one to be formalised in a western-style trade union was to miss the point.

For such protest there had to be some hope; and grim as their situation was in the 1960s there was a new factor. There were some whites prepared to support their protest. Hopeless people do not begin revolutions. Twenty years before, McLeod had taught the Aborigines who left the stations in the Pilbara that there was defence against the law which the police used to move them on from a place where they wished to 'sit down'; This was established for all citizens by the Miner's Right. The Gurindji had some hope that when they did sit down in their country they could use this, and some hope of non-Aboriginal support.

The sun tipped the eastern sky and all was bright. Suddenly, the slight, barefoot figure of Tom Vincent Lingiari emerged from the farthest and largest hut. He strode purposefully around the camp and Long Johnny, Pincher, Hoppy Mick and Gerry soon joined him. Walbri Mick came from the Walbri camp ... Within minutes all the people began to gather in the meeting ground and Vincent addressed them, slicing the air with his right hand in a typical gesture. The women lit fires and began cooking. Then men sorted the tools, wire and rations into heaps. Half-an-hour later, more than twenty men and six lubras set off in single file. Bandy walked in front carrying a heavy roll of wire netting on his head. Each carried something—a tin of flour, a roll of wire, a crowbar, an axe, a brace and bit. They strode purposefully into the rising sun. I looked at Bill Jeffrey. Tears were in his eyes.
‘It’s the beginning of the greatest story ever told, mate. Trouble is, no bastard is going to believe you’.8

So they set off on the long walk to the place where they were to sit down and defy the white man’s law. Great hardships were ahead. But their action was one of many things tending to disperse the innocence of the whites. Because most people will avoid injustice when and where their own interests are not threatened, those who gain from repression of a minority must make injustice look like justice. Such an operation had been successfully undertaken in representations made by the pastoral interests against award wages for Aborigines. The final ironic comment on the whole matter, I think, came from Vincent Lingiari in 1975, after the British owners of Wave Hill had presented his people with 400 cattle for Wattie Creek Station, and the Prime Minister had symbolically and legally given back the country. ‘We are all mates now’, he said; and ignoring the distinguished assembly, spoke in his own language to his own people about the need to hold their own country.

The Wave Hill ceremonial handing over was much publicised. In any case, it became very widely known among Aboriginal communities. Three of those present had travelled 800 miles from Fitzroy Crossing on the off-chance that they might put their case for the purchase, by the government, of land in their area. The land they wanted had religious significance and offered at least subsistence for the groups which those three represented. The purchase of properties for Aboriginal groups had been made, from time to time, by the Australian Department of Aboriginal Affairs in the 1970s. Shortly before the purchase of Wattie Creek this responsibility had passed to the Aboriginal Land Fund Commission.

In the Kimberley towns like Fitzroy Crossing and Kunnunnurra, by the end of 1975, the cattlemen and their families, newly expelled from station properties, were in the first stages of fringe-dwelling. Anxiety, insecurity and poverty were bringing them to this condition, with no place of their own, which has been the lot of each dispossessed group in turn since 1788. Some of them still try desperately to have government help them to a stake in the country they have been forced to leave; but the government effort had been limited to a few purchases from leaseholders willing to sell.

At least Aborigines are now entitled to unemployment and other social service relief payments (which many whites regard as waste of public money). Some of the men (most, in fact, of those who have come in

8 Hardy, The Unlucky Australians, p. 174.
groups with their submissions to the Aboriginal Land Fund Commission) still have the free walk of the cattleman just off his horse. Their talk suggests strongly to me that in many ways the synthesis of cattle work and Aboriginal custom was a valid one. Some referred to the storage of the sacred boards and other religious symbols in secret places, emphasising their just claim on the country they had recently left. If all their requests could be met, there would be no white man’s lease in the Kimberley.

It is a pity that leaseholders and absentee company shareholders have, either for greed or what they consider economic necessity, taken the present opportunity to get rid of those with claims to ownership. Justice requires some compromise: the law supports the right of the leaseholder. One long established ‘solution’ was already clear enough to anyone temporarily resident at Fitzroy Crossing. Idleness and boredom were making a fortune for the pub-keeper, with the blacks drinking at one bar where the beer was often warm and the whites at the other where it was always cold. Pension and benefits day is the big day for drinking in these places. Booze, the white man’s relaxation, offers escape to the black man and often to his family as well. What hope was there for the young boys and girls in the bar, many of them obviously under legal drinking age? And how far did the frequent fights among the men (interrupted by the Aboriginal police assistants only when a knock-down had served to discharge tensions), how far did this really serve as a release of anxieties and anger against secondary objects—their own fellow Aborigines? With the little money they received periodically they might escape from their problems for a day or two.

But the crisis is no longer one without hope, for the days when the white squatter may terrorise the black man are coming to a close. How far the example of Pindan and the Gurindji have made this clear it would be impossible to say. But not all these groups are content to drift into the dead end of fringe-dwelling. Some, ordered to leave the station by the leaseholder, have refused. Others, having left, have organised themselves and gone back. Others again hope that the Land Fund Commission will have the funds to buy for them the lease of land which they consider their own. These are small beginnings (such as may be seen all over the continent) of a revolutionary questioning of rights long taken for granted by the whites. But there are progressively fewer innocent whites as the historians ignore the racist taboos, as world opinion changes with the end of the colonial system, and as racist myths
are exploded. And Aborigines are not the only groups now consciously living outside 'the system'.

The earlier a solution is sought, the better chance there is of finding it. Moreover, the young, politically aware Aborigines have come from many different backgrounds; some from the most remote reserves, and some from what appear even to them the most hopeless fringe slums. Their sophistication and education are significant factors in social change and in the emergence of leadership, as the role played by students in Third World politics suggests. Justice is something that men demand in their own lives. Their despair is that they may not live to see it, their hope that they may. In the political effort to achieve it they become full men and women, and there is no doubt that they will carry their people with them some of the way. Just how far is a matter for us all since justice has so clearly been shown, in these days when the desperate minority can hold the indifferent majority to ransom with the gun, to be indivisible. One result can be still further injustice, when members of a desperate minority strike at random and in deadly fashion. It is significant that a conservative Australian Government has found it necessary to legislate to establish some traditional land rights, and to make some purchases of land for Aboriginal needs.

The new spate of dispossession (which is what the process amounts to from the point of view of those who have never conceded the right of the whites to take over their country) has not been limited to areas devoted to the cattle industry. More publicised have been the effects of the enormous expansion of the mining industry in the remoter areas, where the mining leases were taken out in the Aboriginal reserves, which have never been made over to Aborigines, but to the government agencies which managed their destinies. Mining was a stimulus to cattle raising, from the establishment of new ports which could be used for meat and cattle exports, and from the increase in revenue which could be devoted to the building of the new roads to serve the ports. The lack of any Aboriginal title to the reserve lands meant that only a changed public opinion could prevent governments from handing over such areas as were required by national and international mining companies without consulting the Aboriginal people involved.

When the enormous finds of bauxite were to be developed round the coasts of the Gulf of Carpentaria, public interest was slight. The Queensland Government removed the people from Mapoon, apparently using police to round up the last determined few. The law defining the vast reserve which stretched almost the whole length of the western
shores of Cape York had been quietly amended to excise large exploration areas. As the people had no legal title, it could all be done neatly by a sort of legal book entry. The centre of mining operations was established not at Mapoon after all, but at Weipa. Yet the Mapoon people had to stay on the distant location which the Queensland Government, incredibly, had called New Mapoon (Bamaga).

In early 1976 the next stage of the mining development of the area was on the way. The people on old Aurukun mission, south of Weipa, learned that they too were expected to be moved from their homes in the interests of bauxite companies. That times are changing is indicated by a legal decision for the people of Aurukun against the Queensland Government, which to maintain face has appealed to the Privy Council.

Where the mining operation has been on land other than Aboriginal reserves, there has been no way for the claims and objections of a scattered group to be asserted or even made known. No protests have been publicised from Aborigines of the Pilbara, who in the 1940s walked off cattle stations and formed companies to mine for beryllium and other metals long before the whites had ‘discovered’ the huge mineral potential of that area. There have been attempts to use Aboriginal knowledge of their own areas to locate surface indications of gold and other minerals— attempts which somewhat underestimated Aboriginal awareness of what the white men were after. Some white prospectors are suspicious that Aborigines know of precious minerals in their sacred areas. The activities of prospectors all over the continent must have been a matter for anxiety for generations of Aborigines; but it is only in the last decade or so that the discovery of a mineral like bauxite, even on a reserve, has led so rapidly to the establishment of planned seaports and company towns in the far north. Much the same kind of happening had occurred often enough in the past, on the small scale of most mining towns, but also on a very big scale as in the complex of Kalgoorlie-Boulder, where for generations the process of converting free desert dwellers to fringe-dwelling mendicants has accompanied the extraction of gold.

But these latest developments have involved the use of the most modern technology to bring the Australian suburban dweller into the desert or the tropical coast lands, often with air conditioning and television to create in his company house the climate, the distractions, and the noises to which he is accustomed. The contrast between the new town and its Aboriginal fringe communities is probably greater than in the settled areas. And this is in the decade which, more than any other since that of first white settlement in each Australian colony, has been
marked by public concern for the Aboriginal and (except in Queensland) by government attempts to promote equality. (In the first years, before the whites realised the economic potential of Australian land, there was a real concern to bring to the first Australians the protection of the British law, plus Christian consolation when there was nothing else left for them.) But in town planning most mining companies have not, except to the extent that governments are interested, thought to depart from the usual Australian pattern. The central social institution remains the pub. The Aborigines may drink there these days but their share, if any, in the urban experience is in most cases as fringe-dwellers. They may contemplate (from the outside) the comfortable (and very expensive) houses of the whites. They have been 'planned out' of the town. A notable exception in the planning was the town established by the Broken Hill Proprietary Company on Groote Island.

The challenge by the Gurindji was an attempt to have a pastoral lease modified by petition, and by the political act of occupation of part of the land in question. It finally succeeded through administrative decision of the Australian Government. Purchase of the Wattie Creek area by the Aboriginal Land Fund Commission in 1975 removed a conflict between law and justice. But only for the time being. At the end of 1976 the Gurindji held only a pastoral lease (as in the case of other leasehold properties purchased for Aborigines). Strong vested rural interests were preparing to whittle down the Land Rights legislation to ensure that Aborigines would not receive a permanent title.

By implication the purchase was a recognition of future claims in similar situations. It raised hopes in other communities domiciled on pastoral leases, and may have influenced some pastoral managements to expel, if they could, the Aboriginal workers and dependants.

The concession that such a claim could be just had revolutionary implications, and has been seen as such by some of those who hold pastoral leases. For it called into question the assumption on which ownership of, and leaseholders' rights to, land depend, that is that customs operating before British annexation were superseded as from 1788, the date when the land included in 'New South Wales' became Crown land, so that only the Crown could decide possession. This basic assumption was tested in court in 1968 in a case involving a mining lease, that of Milurrpum and others v. Nabalco and the Commonwealth of Australia.9

9 No. 341 of 1968. Supreme Court of the Northern Territory. Milurrpum v. Nabalco Pty Ltd. 17 FLR 141.
This case had relevance to land rights of Aborigines everywhere in Australia. Milurrpum, and members of two of the nine clans which live in the Yirrkala country of north-eastern Arnhem Land, the Rirratjingu and the Gumatj, could rightly be advised that the British law embodies the principles of a proper, just balance and that rights to land based on prior occupation might be considered as integral in a just balance between human groups. They sued the mining company which would profit by the excision of land on the Gove Peninsula and the government which had granted the mining lease in disregard of their prior claim.

Briefly, the background was this. Without consultation with the clans, the Australian Government had granted a mining lease to the Pechiney Aluminium Company of France. Consent by the Methodist Mission authority, which had established a mission at Yirrkala, was assumed to be adequate indication of any Aboriginal interest. This was the occasion for a much-publicised petition, painted on bark, which went to the Commonwealth Parliament; and which resulted in the first real attempt by the national Parliament to consult with an Aboriginal group. The report of a Parliamentary Select Committee which heard the protests of the Aborigines at Yirrkala is an important document in the history of race relations in this country; but the required 140 square miles was excised from the reserve in March 1963. Over the next few years, a nice new mining town was built at Nhulunbuy. A treatment plant for the bauxite mined by open-cut nearby began to discharge very doubtful chemical substances into the ocean, and acid wastes to poison some small areas of land. The early establishment of a pub at Nhulunbuy began to produce the usual problems at Yirrkala, twenty miles or so away.

When the Yirrkala clans sued in 1968 for compensation (the original company had, in the meantime, been replaced by another) they did so with government assistance, in itself an indication of a genuine desire somewhere that justice should be seen to be done. So far as their own interests were concerned, the clans might have been better served by pressing for an *ex gratia* compensation. By accepting the British law as the means of disproving one of its own basic assumptions applied in colonial land transactions since 1788, their counsel, in a sense, re-opened and brought into question much case law based on learned decisions involving similar situations in North America, Asia and Africa.

These judgments expressed assumptions long out-of-date in the real world of the anti-colonial late-middle twentieth century. Much more than before is known of the continuity of the indigenous cultures; and the evidence of two distinguished anthropologists was called to support that of Milurrrpum and others against Nabalco and the Commonwealth of Australia. Only three years earlier a case of equal importance for Aborigines had been heard by the highest industrial court in Australia. Neither Aborigines nor anthropologists had been called to give evidence.12 Both sides in this case used judgments from the courts of British colonies on ‘native’ claims based on ‘communal native title’. The judge had to determine what, in the light of earlier interpretations, the law said. Case law apparently indicated to him that, in general, ‘communal native title’ should be recognised only in situations where, before colonisation, there were laws ‘capable of recognition by the [British] common law’.13 Did such law, and title established in such law, exist?

And did it exist at the foundation of New South Wales in 1788? This question, as the law stands, had to be asked. The judge’s task was to answer it. In so doing, he showed real concern for justice by a suggestion that the law could be changed by statute. But nothing could more clearly indicate than these questions how far British-Australian law failed to satisfy the need for a balance in human relationships, more especially as the land involved had been in continuous Aboriginal occupation, not only since 1788, but possibly for the previous three or four hundred centuries.

The Crown was not above using legal gamesmanship to capitalise on the absence of written laws among the Rirratjingu and the Gumatj. It argued that the evidence of an Aboriginal witness that certain lands were Rirratjingu lands because his father had told him so should be rejected as ‘hearsay evidence’; an argument the judge rejected, ruling that the laws of evidence were ‘to be interpreted rationally’. (A hundred years earlier Aboriginal evidence would have been rejected because, as non-Christians, they could not be sworn as witnesses.) Professors Berndt and Stanner gave evidence based on oral information from Aborigines and this was also called into question by the Commonwealth as ‘hearsay’.14

Could a clan be regarded as a land-holding group? Was the ‘band’ (the extended family group which hunted and lived together for most of

12 This was to hear the application for the award wage for Aborigines in the pastoral industry. Conciliation and Arbitration Act, Case No. 830 of 1965.
13 Supreme Court of the Northern Territory, No. 341 of 1968, Judgment, p. 95.
14 Ibid., p. 58.
the year) the ‘real’ social unit? If so, who could ‘feel satisfied that a band spent a significantly greater portion of its time in the territory of any clan than in that of another, or that a band regarded itself as based in the territory of any particular clan’. The crown argued that if the clan was a religious unit, all it could claim were places of religious significance; a nice piece of casuistry, based (it seems to me) on a completely false analogy with the white man’s ‘religious unit’, which requires only a church to go to on Sundays. For in Aboriginal thought and assumptions no part of his country was not sacred. The Crown was prepared to concede ‘particular places [my italics] of mythological significance’. If the band was the economic unit, and bands could not be said, or rather proven, to belong to a particular clan, how could a clan, or two clans, claim title to particular areas of land? The assumption here was that land outside the particular sacred places was merely an economic asset. But the judge rejected these arguments, finding that Aborigines do ‘think of the subject land as consisting of a number of tracts of land each linked to a clan . . . though the boundaries between them are not precise in the sense in which boundaries are understood in our law’.

Anyone who has delved into the questions raised for colonial lawyers and administrators by indigenous land tenure systems in Africa or New Guinea will realise what a task was here involved. In all British colonies there was a long history of settling land disputes between colonisers and colonised, and especially between the colonised themselves: for there were increasingly rapid social changes, largely produced by contact with the money economy, which made possible new uses for land and offered new temptations for village innovators. But Australia had missed all this. It had taken just one hundred and eighty years for a claim involving the clash that had always existed between two systems of land tenure to come into court. Now the judge was faced with those complex legal, semantic and philosophical questions which had been ignored since 1788.

His task was to decide what the law is; and this involved examination of judgments on relevant cases. What the judgments said had to be examined in their complex backgrounds. Had the courts upheld the claims for native communal title in any colony, the only legal action possible for the colonisers would have been to go away. Later, when in

---

15 Ibid., p. 47.
16 Ibid., p. 58.
17 Ibid., p. 62.
the colonies of settlement the descendants of the colonisers had formed independent governments, admission of such title would have cut away the legal foundation for the polity and economy which had been established (which is why I have referred to Aboriginal claims based on traditional title as ‘revolutionary’—a term first applied to them by Professor Fred Rose).

Counsel for the clans argued that where a communal title had not been extinguished by legislation or consent of the occupiers it prevailed over the title held by the Crown (‘the Sovereign’) but neither asserted in legislation nor modified by treaty or agreement. But the judge decided that in the United States of America communal title ‘never reached the status of proprietary interests’. There, as in Canada, the negotiation of treaties and establishment of reserves by treaty extinguished rather than confirmed communal title. Counsel for the clans went back to old Blackstone (1.107): ‘In conquered or ceded countries, that already have laws of their own, the King may indeed alter or change these laws; but, till he does actually change them, the ancient laws of the country remain ... ’. But some at least of the Indian cases referred to show that the colonisers always had a way round awkward situations. Thus, in one case, the seizure of property by the East India Company, otherwise illegal, was justified as an ‘Act of State’ and no business of the courts. And Blackstone could be quoted as effectively for the Crown—that it was only in ‘settled’ colonies where the previous existence of law was recognised, that they might stand until altered. In ‘desert and uncultivated’ lands where, it was assumed, the customs could not be recognised by civilised men as law, the British law applied immediately on colonisation. John Hobbes, with his gloomy picture of a primitive mankind without law, in a state of nature where life was ‘nasty, brutish and short’, has much to answer for, since the picture so nicely bolstered the prejudice of colonisers for centuries; and justified the imposition of laws which, by the standards of the colonised, are tyrannous and absurd. The real distinction, inevitably, was between oral and written law.

Was Australia in 1788 ‘desert and uncultivated’? Another question which seems absurdly irrelevant to real issues today; but which was just as irrelevant to social realities established over thousands of years in 1788.

But the case for the plaintiffs seems to have failed because they could not prove ‘that there had existed, from a time in the indefinite past, and in particular from 1788, not merely the same system of clan membership

19 Supreme Court of the Northern Territory, No. 341 of 1968, Judgment, p. 139.
and organisation and the same *system* of land ownership, but also the
ownership by the Rirratjingu and the Gumatj of the very land to which
they now respectively lay claim'. The court could not accept the sacred
*rannga*; that they are 'charters to land, is a matter of aboriginal faith;
they are not evidence, in our sense, of title'. What a chance was this for
an Aboriginal *tu quoque*, since just as definitely for them, all the marks
on paper since Blackstone, including the pastoral leases, were not
evidence either.

This ruling, perfectly established by precedent, set an impossible task
for the plaintiffs, since it ignored the possibility of an Aboriginal law of
inheritance. Yet the evidence included a clear indication of a customary
system of inheritance law as between clans, even through the murkiness
of definition involved in moving from one system of reference and
language into another. For there was strong evidence, and one example,
of how, when a clan is in danger of dying out, a related one will be ready
to 'look after' its land, will move on to it, and use it along with its own
country. Presumably this would involve some maintenance of the
ceremonies required to ensure continuity of man's relationship with the
spirits, recognition of the sacred places and objects, and the continued life
of the plants and animals. Thus, when one clan disappears, there may be
continuity of possession. Surely this must have amounted to a law of
inheritance as between clans, since it appears to have been a procedure
generally recognised. How many white Australians would have a legal
claim to land if the British laws of inheritance were to be rejected?

The finding was against the plaintiffs. I would not be so foolish as to
challenge eminent jurists on their own grounds, but this question of the
relevance of an Aboriginal system of inheriting land should, I think, be
answered. The whole case, in the context of land tenure history,
illustrates a continuity of injustice. As the judge seemed to hint in his
judgment, it was high time for the Crown to vary by statute the legal
position as decided in this case, and not so far appealed, in relation to
claims by the two clans. The implications would be far-reaching if this
were to be done. It could lead to transfers of land title to Aborigines; and
provide legal grounds for increasing claims by Aboriginal groups for
compensation.

It is true that the national estate has been so drastically changed since
1788 that very little of the country is still predominantly in the condition
characteristic of Aboriginal Australia. Absolute justice does not seem

20 Ibid., p. 13.
21 Ibid., p. 70.
politically possible in a situation where even the transfer of land always occupied by Aborigines has become a highly political matter. Even the *purchase* of pastoral lands for Aboriginal groups, a process only recently begun, has led to some protests, that such a change undermines the social situation in the pastoral industry. This suggests the hostility of those who resent suggestions of change in the social and racial pecking order, which is a strong stimulus to the so-called ‘white backlash’. Even where a bargain has been fairly made at a good price, the vendor, under pressure from his fellow pastoralists, has sometimes refused to go through with the final stages of transfer. Thus the problem posed by great physical and ecological changes to the country which have occurred over nearly two centuries, making any complete restoration of the balance impossible, will be reinforced by prejudice, even where the country to be transferred will be paid for fairly at the expense of the taxpayer.

The cost need not be exorbitant, since in most of the areas where there are still strong links between groups which have survived as clans, the land is held on lease. The decline in the cattle industry might well lessen the will of pastoral leaseholders to remain in the industry in the centre and far north. Their self-interest, reinforced by a growing unease on the part of many whites, and perhaps by increasing recognition by governments of the dangers of ignoring the claims of small minorities, may well in time bring about a partial restoration of the balance between white and black in these remoter areas. This is the more likely in that some Aborigines are beginning to organise in effective pressure groups and their spokesmen are rapidly learning how to play on the fears and sympathies of the whites.

The clans at Yirrkala lost their case, but things could not be the same again in a world where international support for the anti-colonial revolution has begun to call into question the condition of the entrapped minorities. But changes within Australia have probably been more significant than any international pressures. Throughout the 1960s the Aboriginal situation became part of the concern of a growing opposition to the political *status quo*, along with the Vietnam issue. Even now, however, a visit by a South African sporting team is more likely to lead to a spectacular protest than the continuation of injustices to Aborigines.

The new awareness was not limited solely to supporters of the opposition Labor Party in federal politics; although the Labor Government in South Australia was the first to recognise the justice of Aboriginal Land Rights claims by setting up a Lands Trust of Aborigines and vesting the reserves in it. Another recognition had been minor, but
significant for the future. Commonwealth mining legislation provided for an additional royalty payable for mining Aboriginal reserves in the Northern Territory. This meant that part of the royalties from the bauxite mined at Yirrkala were to be spent on Aboriginal needs (to be sure, a very different arrangement from payment to the Aborigines who had occupied the land taken over, but a new thing, nevertheless). Yet the belief that a high short-term profit justifies anything necessary to get it, and that the duty of management is solely to the pockets of the shareholders has already been challenged, not by a pastoral, but by a mining company. When BHP began its mining program on Groote Island, there was consultation with the Aboriginal community there and some effort has been made to ensure Aboriginal employment. Conzinc Rio Tinto Australia subsidiary, Bougainville Copper, an Australian firm with international interests, learned a good deal (in the main because an intelligent management was open minded and willing enough to do so) in the establishment of the great copper mine in Bougainville. A constructive interaction and discussion with the villagers, with a policy of employing New Guineans, has probably been one of the reasons why the operation has been successfully continued. The firm used anthropological and political advisers, and established early rapport with the younger leaders then emerging from the university at Port Moresby. It also subsidised a village development program in Bougainville. Before the Australian administration departed, the level of popularity of the large organisations which controlled the lives of the islanders was probably the Company, the Catholic Mission, and the Australian administration, in that order.

The main incentive was long-term self-interest; but not all technocrats are blind to moral requirements by any means. Nor are all shareholders. A few have asked questions at annual meetings of big mining companies on this very matter of land rights and on employment of Aborigines in whose country a mine has been developed. But Australia is by no means in the forefront of social reform these days. The legislation which requires adherence to the public interest by public companies lags behind that of some European countries. Like John Locke, Adam Smith has much to answer for now that a few educated Aborigines have begun to learn what questions to ask.

In the late 1960s the Federal Government established the Council for Aboriginal Affairs. One of its first efforts was to frustrate a move by the pastoralists of the Northern Territory, through their representatives in the local legislature, to so define an Aboriginal 'pastoral company as to give
some of them a foothold in the big Arnhem Land Reserve. The Bill had provided that proposed ‘Aboriginal companies’ should have a minimum of 51 per cent Aboriginal shareholding, for the first seven years only. Another development was that a committee was set up to examine the situation of Aborigines on the pastoral properties in the Territory. It recommended that areas for Aboriginal villages, with access roads, be excised (by agreement) from pastoral leases; and this became the government’s policy. The importance of such a provision is that it would give the black workers and their dependants a place of their own and access to government services otherwise than through the employer, many of whom had been resisting even the establishment of health services and schools for the children on their leases. Little, if anything, had come from this, when the first Labor Government came to power at the end of 1972.

Early in the following year Mr Justice A. E. Woodward, who had been counsel for the Aborigines in the Yirrkala case, was commissioned to examine and report on ‘the appropriate means to recognise and establish the traditional rights and interests of the Aborigines in and in relation to land, and to satisfy in other ways the reasonable aspirations to rights in or in relation to land . . .’. In particular he was to report on how to vest title to the reserve lands of the Northern Territory in Aboriginal hands, with both timber and mineral rights, and how to meet with the needs for land of other Territory Aborigines.22

The terms of reference in themselves were revolutionary; and the Woodward Report, which came out in two parts (the second one in April 1974) equally so. It represents the slowly rising swell of public opinion against the primacy of profits in the formation of government policies; and against the colonial style cringe of Australian policy-makers in relation to the great overseas interests anxious to make money from Australian resources. The great British landed companies, some of which as absentee owners had been holding for generations many of the cattle stations where Aborigines lived in a squalid peonage, were giving way to the still greater multi-national mining companies, equally anxious to exploit the minerals and get out before they had colonial style problems to deal with. The new interest in the environment, the realisation of the danger of atomic power development, and a new style of Australian nationalism were splitting Australian society. The minerals lay mainly just where traditional land rights were still paramount in the minds of the Aborigines—and still meaningful. Some of them, as at Weipa, Aurukun

and Yirrkala, were right on the reserves (or what had been reserves before the Queensland Government revoked them for the miners).

The reaction against the Woodward Report and subsequent proposed legislation has been strong and often expressed in guarded terms. Shareholders the world over form an impersonal interest group, committed to invest in quick profits. They have their own futures and consequences in mind, and the investment operation leaves human consequences out of account. Investment regardless of Aboriginal rights adheres to the established Australian governmental traditions. But here was a new situation in which the pro-Aboriginal lobby found much stronger support from those concerned with the environment, and with the consequences of trade in uranium. For once there was really strong opposition. The almost hysterical and quite nonsensical statements from some of the spokesmen for profits are easy to account for. If ‘development’ means getting rich quickly, here was the chance that formed the climax for two centuries of ‘development’; for the Australians were sitting on a bonanza. What did it matter that extensive wood-chipping for Japan would rid the land of a few million gum trees, that mining for bauxite or uranium would again frustrate the hopes of a few thousand Aborigines?

Here was the clash of interests which brought Australian politics alive from the change of government in 1972. The Woodward Report indicated the changes which were occurring in white Australia. The terms of reference, properly since the referendum had brought power to legislate for Aborigines from the States to the Commonwealth, had included generally applicable clauses as well as those specifically related to the Northern Territory. ‘I have borne in mind’ wrote the Commissioner ‘the probability that what is done in the Territory will be regarded by many as setting some sort of precedent for action elsewhere. I have therefore tried ... to frame my recommendations in such a way that they could be adapted for use beyond the Territory’.23

The Interim (First) Report outlined the facts as the Commissioner saw them, and recommended the setting up of two Aboriginal Land Councils, the Northern and the Central. They were to have their own independent legal advice, to enable them to make submissions to the Commission and for subsequent legal action. This was a most significant step because it marked the end of Aboriginal affairs as a purely welfare matter, and a posing of the old questions in the institutional forms of the dominant liberal-legal milieu so that they would have to be seriously considered.

23 Ibid., para. 743.
Both councils had meetings to brief their lawyers. Both presented their submissions to the Commission. Copies of the *First Report* were widely circulated.

The Aboriginal Land Councils had a precedent in South Australia, where one had been established to hold the reserve lands in perpetuity. In the Territory such organisations were clearly necessary since the small Aboriginal communities in which lands might be vested would need the protection of an over-arching Aboriginal organisation with legal advice.

In the first instance, also, they could take the initiative in formulating the claims of these communities. There were two of them because of the considerable distances involved, and the different circumstances of the area centred on Darwin and that round Alice Springs. (It is sometimes forgotten that there was once a short-lived Territory of Central Australia.)

One of the unique features of the Woodward Commission was in its method, in the great care taken to ensure consultation with Aborigines. The Councils were intended to be models for Australia-wide Aboriginal Regional Land Councils, working for the scattered communities of the Aboriginal archipelago. The recommendations contained in the *Second Report* provide for new institutions which go very much farther than any so far to articulate the political interest, and provide some of the administrative structure necessary for effective political pressure and political defence. Realistic provisions were essentially political as well as legal, since any transfer of property to Aborigines will be frustrating someone's hopes of making money. The particular communities, it was recommended, should be incorporated as Land Trusts, to hold the title to Aboriginal land in fee simple. The land could be transferred only by ministerial consent and as between Aborigines. The Regional Land Councils, also incorporated, would replace the interim bodies set up after the *First Report*; and provide administrative, legal and other support for the Trusts within their respective areas. Persons other than Aborigines would need permits to enter on Aboriginal land. All reserve lands in the Territory were to be proclaimed Aboriginal land. In addition, nine large areas, including two pastoral stations purchased for Aborigines, should be proclaimed; and twenty-one other extensive areas of unalienated Crown land were to be 'frozen' until the Aboriginal Land Councils had a chance to prepare, and a proposed Aboriginal Land Commission could hear, claims from Aboriginal groups.

The matter of land already alienated was far more difficult. Most of it is under pastoral lease. The first recommendation was that 'all reasonable
steps' should be taken to arrest the drift of Aborigines away from such areas. An Aboriginal Land Commission should be established to register traditional claims to land under lease and to recommend priorities for the purchase of lands. The right of Aborigines to use bore waters should be established. (They had enjoyed the right to hunt and to use 'natural' waters only.) Where 'appropriate', 'community areas' should be excised from the leases. Some leases or parts of them should be purchased and a fund established for the purpose.

The recommendations for dealing with the land needs of fringe-dwellers were somewhat optimistic, to say the least. The Commissioner hoped that they might be 'housed or otherwise accommodated in the places where they are accustomed to live, provided that is their wish', and that by the end of 1976 the land they needed would be held for them by Aboriginal trustees. In fact, by the end of 1976, the position in and round the towns seems to have deteriorated with the movement off pastoral leases. The Regional Land Councils and the Land Commission constituted the machinery for acquisition, as in the case of rural lands. The Councils seem to have been heavily committed to the hearing of claims in the rural areas.

The Land Commissioner consisted of a single judge (as did the Land Rights Commission). Yet this machinery seems to have achieved a good deal before the Land Commissioner was instructed by the Australian Government in 1976 to cease temporarily his hearings and recommendations. The reason was that new legislation was in train. In fact one of the most interesting aspects of all this development is that in spite of delays, first that to the Labor Government's Aboriginal Land Rights Bill, and then the year which it took to get the Liberal-Country Party Bill before the Parliament, so many claims have been heard, so many recommendations made, and so many Aboriginal bodies have been acting like corporations before the special legislation to enable them to do so had been passed. The articulation of the Aboriginal interest has not waited on the slow processes of legislation. The other interest long articulate and dominant in this area was of course the cattle industry; and the change of government increased opportunities for this group to protect the status quo.

Probably more influential and financially powerful were the companies mining or searching for bauxite, uranium, and oil. The Commissioner's recommendations affecting mining leases, and searches on Aboriginal land, probably owed something to South Australian precedent. Minerals were to remain the property of the Crown; but Aboriginal assent was
necessary before exploration on ‘traditional’ Aboriginal land could be undertaken. The Aboriginal veto could be over-ridden ‘in the national interest’ by the government, but such a ruling was subject to disallowance by either house of Parliament. Land Councils were to represent the Aborigines affected in negotiations about exploration rights, royalties, and/or equity in the mining ventures.

Among the final recommendations was one that Aboriginal Land Rights legislation should be a matter for the Australian Parliament, and should override any Northern Territory ordinances. This has been bitterly opposed by the majority in the Legislative Assembly in Darwin, with deputations to Canberra promptly on the change of the national government. The line of argument followed by this group concentrated on the alleged needs of the traditionally-oriented Aborigines assumed to be misled by outside influences—a line more blatantly followed by the Queensland Government.

I have stated that the Terms of Reference were not limited to the Territory. The Commissioner recommended that ‘the establishment of regional councils in the States should be encouraged’, that they should receive legal aid, that they should consult under the guidance of the National Aboriginal Consultative Committee, and that their claims should be sent ‘to the government for consideration’. This could only mean the Australian Government, since 1967 vested in the power to legislate for all Aboriginal people. Where tribal affiliations went across the Territory’s boundaries into neighbouring States, it was recommended that the State communities involved should affiliate with the Central Land Council based on Alice Springs.

The Land Rights Bill, of course, was only one of many prepared under the Labor Government which did not become law. Substantially it embodied the Woodward recommendations. It remains important because it stated certain objectives which have become the subjects of a great deal of political action at the Territory and Commonwealth level—it is said with some State politicians busily grinding the axes of their political parties. It was inevitable that this would happen, because redistribution of wealth (or at least of the hopes of wealth) was involved. Pastoralists, mining companies, their political representatives, had begun to speak of ‘discrimination in reverse’, and to find ways of getting what they wanted in the process of appearing to help the Aboriginal cause—a very good indication of the growing pressure on this issue and of their effect on plans for northern development. In these plans the needs and the potential economic contribution of the Aborigines had been
consistently ignored. It is inevitable that the calculation of the miners as well as the hopes of the cattlemen will be increasingly disturbed with the emergence of the Aboriginal as a new and somewhat unpredictable factor in the situation. Thus, in the remoter areas of Australia, the Aboriginal is emerging from token protection and welfare into political activity in his own interests.

The Liberal-Country Party Bill at least represented a degree of consensus between the Fraser Government and the Opposition, as the main criticism in 1976 was that it did not go as far as the Labor Bill had done. That such a Bill should be submitted to Parliament at all, and especially by a conservative government, marks a rapid change over the last decade. The view of the Opposition, and that expressed by the Land Council, was that it fell short of what was necessary for justice.

In my own view, the most regrettable lack is of provision for needs other than for ‘traditional’ lands. There is no provision for the needs of the fringe-dwellers on town lands nor for those of mixed groups or groups claiming other than traditional lands in rural areas. The Land Commissioner may hear other claims (as the temporary Land Commissioner had been doing), but only for purposes defined by and under the authority of the Northern Territory legislature. This body was not likely to change its attitude until the Aborigines learned how to use their voting power. Town lands are excluded from those alienated Crown lands which may be investigated by the Land Commissioner on receipt of a traditional claim. There is urgent need for support of Aboriginal movement into the towns. This Act leaves them on the fringe where their attempts at urbanisation have been frustrated for generations. As this first Act, even though applicable only in the Territory, will set a standard for other legislation, it seems a pity that such an opportunity to set a legislative example has not been taken.

There was a move within the government ranks to enable Aborigines to claim country alienated under pastoral and other leases. Needless to say the opposition to this was overwhelming. The position is somewhat obscure: but it seems that the Land Commissioner, when appointed, may hear and report on such claims, mainly with a view to establishing the extent of traditional claims which would be valid. Where, however, the land is unalienated Crown land, the Commissioner may recommend that claims be granted. One important gain is that where a pastoral lease has been transferred to an Aboriginal group, establishment of a traditional claim enables that group to become owners of the land in question as ‘Aboriginal land’ in freehold.24

24 See Aboriginal Land Rights Act 1976, Section 50.
There were some serious criticisms of the sections of the 1976 Bill dealing with mining interests on Aboriginal land. The 1975 Bill had provided that the 'national interest' in favour of the mining company could not prevail over the Aboriginal interest without being considered by both Houses of Parliament, and either House could veto an executive declaration (by the Governor-General) of national interest. The later Bill provided for the minister, if a person he appointed so recommended, to advise the Governor-General to proclaim overriding national interest in favour of mining (Section 41) and omitted the provision for Parliamentary veto. But in the Act this veto was restored (Section 42)—which suggests some conflict between different interests in the government parties.

Yet the mining firms did not lose much, if anything. Those which had held exploration licences and which had applied for 'further mining interests' before 4 June 1976 (when the Bill was presented) will not be frustrated by any declaration of national interest (Section 40(3)). One other amendment resulted in what was mainly a cosmetic attempt to satisfy the interests of those promoting the Aboriginal cause without taking from the miners what had been given in the Bill. That drawn up under the previous government had provided for Aboriginal Land Councils to make their own bargains with mining companies on Aboriginal land. But the 1976 Bill had severely limited this right. It provided that, if a council refused to accept a set of conditions and remuneration in return for mining rights, the minister could accept on its behalf. In the event, the Act provides that the minister appoint an arbitrator, not a judge necessarily but a person whom he considers to be impartial, who is to make a decision which the council is legally bound to accept. If it refuses to obey the law in this matter, then the minister may 'on behalf of the Land Council' accept (Section 45).

I mention these two cases as internal evidence that there are people on the conservative side of Parliament who realise something of the significance of the demand for land rights. Those who know more about the internal politics of this Act will no doubt point to many other clauses with similar significance. Nor should one forget that while the Labor Government's preparation and rhetoric in this matter was impressive, and that it brought the question into the arena of national politics, this very real achievement for all its shortcomings has come from a government which depends for support on the interests most likely to be inconvenienced by the recognition of land rights. Some of these interests
must have been perturbed at the way things were going; their efforts to
win public support were interesting.

One of the most remarkable of these efforts, made during the
preceding public discussion, was a press advertisement by the Australian
Mining Industry Council. This august body now professed deep concern
with the need to protect traditional Aboriginal culture from the effects of
commercialism.

'The opportunity for them to sell mining permits could lead to the
destruction of this traditional culture' it proclaimed prominently in all the
major newspapers. To grant Aborigines power to veto mining and to sell
permits 'would separate some Aboriginal groups from the rest of the
community'! People were invited to contemplate the awful spectacle
of rich Aborigines who, after exploiting the mining companies, would
be divided from 'other Territorians and the Australians generally'.
Moreover, 'it would also create a greater division between traditional
Aborigines' (that is the good old natives who stay in the bush and know
their place) 'and those who see land rights primarily in terms of financial
gain'. One is reminded of the pastoral enterprises of the Kimberleys
decades ago, busily squeezing their profits from the black worker, but
anxious not to corrupt him with money wages which would only be
wasted on gambling and drink. A concluding appeal to public sympathy
stressed how 'the industry supports the objective of the proposed
legislation to provide adequate protection of traditional Aboriginal
culture from the demands of the modern world. As it now stands,
however, the legislation will not only fail in this objective, but establish
the very means of achieving the exact opposite'.25 This is a good example
of the fallacy of substituting a part for the whole; of substituting
'Aboriginal culture' for Aboriginal people.

That the Bill (and the Act) is limited to interest in traditional lands is
a serious limitation. That there is an Act at all is a major advance in a
political process which has a long way to go. There can be no perfect
justice in such a situation. Much will depend on who becomes the first
Land Commissioner, on how he regards his duty, and on what political
and administrative support he can depend.

In this brief account I have had to omit far more of consequence than I
have mentioned. The land rights movement is a very significant
development in Australian politics and history and deserves a separate
study. Even in the Territory there will be many more Acts and much case

25 For a copy of this advertisement and a reply by the Northern Land Council (NT) see
law arising from the activities of the Land Councils and of the Land Commission.

It will be recalled that the Woodward Report recommended that a fund be established for the purchase of leasehold lands for Aborigines. The idea was not new. The MacMahon Liberal-Country Party Government had promised such a fund; and the Department of Aboriginal Affairs had been in the market for properties, not necessarily leasehold. At least one cattle station had been purchased before that government was defeated in late 1972. In May 1975 the Aboriginal Land Fund Commission, with three Aboriginal and two other Australian Commissioners, began operations. In spite of drastic financial cuts, it has purchased land for all types of need, social or economic or both, in all States as well as the Territory. Properties of up to a million acres have been bought for groups in the Kimberleys. Attempts to buy in Queensland have not been so successful because the State Government has refused to transfer title to Aboriginal groups. The exception was a case where part of the land was freehold. There was no legal way for the State Government to refuse transfer of title to that part. A Queensland minister accused the Commission of trying to establish a 'black state' in northern Queensland.

Most of the land bought so far has been pastoral leasehold in the more arid regions. A single cattle station may provide a safe home for up to three hundred Aborigines, with potential subsistence from cattle and 'bush tucker' at the least. There are very great administrative problems which have to be solved by experience and time. The Commission has expressed the view that a safe home base, especially if it includes some of the country of the clan(s) located there, offers the essential foundation for all experiments in 'development'. Progression towards economic self-sufficiency depends on such a base, and so does the confidence required to demand equality.

Perhaps in the long run cash purchases will prove more important in adjusting the balance between white and black than adjudication. For it transfers property to the satisfaction of both parties. Cash is the economic grease which will make possible the transfer of most kinds of private property. The Land Rights legislation is concerned only with Crown lands, only with traditional claims, and so far, only with the Northern Territory.

It seems important that whatever the previous tenure has been, there should be in each State and Territory the possibility for its conversion to Aboriginal tenure. This involves freehold, without power to alienate to
whites, and the land is vested in defined groups. As provided in the Commonwealth Act the holding groups (trusts) should be corporate bodies.

That the Northern Territory, of necessity, has become a kind of laboratory for the building of new kinds of Aboriginal institutions may have political consequences within the Aboriginal movement for equality. For the Land Councils and the Trusts will be corporate bodies with their own legal advice. This will offer new political-administrative roles and experience, so that the Aborigines in remoter areas with tribal affiliations will be likely to produce more leaders of national significance.

Structures similar to the Land Councils in the more sophisticated areas of the south may not be concerned primarily with the acquisition of land, except for sites for their new institutions and, of course, for housing. There are now hundreds of other corporate bodies and bodies awaiting the legislation to incorporate, all over Australia. Most of them have appeared in the last decade. When I was studying this situation ten years ago, the idea of incorporation of rights and interests and 'assistance on request' seemed little more than a mirage.

For most Aborigines round the country towns, on the reserves, and in the cities of the southern regions, 'land rights' is primarily a symbolic demand for justice. Very often the socialisation process has left them with a love for particular places as 'home'; but home is a former reserve or station with a long history. The reserve community remembers the generations which have lived there since the first group was assembled from the remnants of different tribes, often with different languages. Everywhere but in Queensland (where Aboriginal policy is peculiar, to say the least), some of this land has been handed over to Aboriginal land trusts or to the communities themselves. There will be other places, even in closely settled areas, which still remain sacred, at least to the older people. One reason for keeping them secret is that to acknowledge them and to ask that they be reserved, or any public mention of them, attracts white delinquents. Some arrangement to secure them as places where Aboriginal guardians may wish to live might well be considered. The demand for compensation going beyond these lots will not necessarily be for more land, except for housing and for such economic and social needs as are best met by purchase of land and buildings required for developmental programs—in health, education, and economic enterprises.

The question of land rights is certainly central in the politics of Aboriginal affairs. But for those in the closely settled areas, satisfaction of
felt need must involve a multifaceted operation covering all aspects of social and economic opportunity, and is far more complex than the 'handing back' of land. Perhaps a higher proportion of Aborigines than of other Australians regard the country plot as offering the future they want; but most will have other ambitions for themselves and their children. In time this could be true also of most of those still professing tribal values in remote areas, but the process could be delayed, if only because they have a better chance of settling their leadership problems and establishing an effective decision-making program where they now are.

There is a continuum of situations from those where the tie with the land has never been severed, as in the Arnhem Land reserve, and on pastoral leases where the 'station blacks' remain after generations during which their country has been used as a white man's property, to those, perhaps close to a large town, where a few remnants have some tie with one or two sacred places in the district and little or nothing more than that. There are places where Aborigines think of land rights mainly as a demand for justice, and as something for which they should be compensated. Symbolic compensation on a large scale is necessary for the latter, and return of country or some negotiated compensation for the former, to remove the sense of injustice. I use the term 'symbolic' in the sense that payments to Aboriginal organisations of money, to spend as they decide (which will have to be made increasingly as time passes, at least until they come to share in the national estate and economy on a basis of equal opportunity) should be payment specifically made in compensation for wrongs suffered. Now that conditions of Aborigines have become a political question, the Aboriginal sense of injustice has to be placated for political reasons. Which may sound cynical, as though governments must buy out the Aboriginal or divert him with a major mess of pottage. It raises the issues which produce the 'white backlash'.

For one may well argue, as a white Australian, as follows. I and many others in my generation may have had nothing to do with Aboriginal deprivation or white brutality. It may even be argued that without the smashing of the tiny social groups and often forced miscegenation which followed, many of the current Aboriginal spokesmen would never have been born, that their personal uniqueness and egos could never have occurred; that other personalities would now fill their places. Why, then, should I share what I have inherited? This refusal to bear with them the guilt of my predecessors (perhaps my ancestors were not in Australia at all when the worst atrocities occurred and had nothing to do with them)
may be attractive because, from my comfortable position, I do not see a special injustice. But my blinkers are shutting out from my eyes the essential injustice of ignoring the present predicament of my Aboriginal fellow Australian, thus continuing to prevent him from using his special abilities, for the irrelevant reason of race or appearance.

More than economic and political opportunity, the Aboriginal has a special psychological need—for restoration of the proper balance which is part of justice. How can what was taken long ago be symbolically and apologetically returned?

In every way possible and reasonable. By tying the millions which will inevitably be spent on Aboriginal welfare to some kind of ‘apology to the Aborigines’ and making an actual compensatory payment to Aboriginal-controlled organisations for them to spend as they determine. The principle is not so different from that behind foreign aid, which is a payment to win friendship. Why not think in terms of quite massive ‘reconciliation aid’ meeting the common Aboriginal demand for payment for land that was taken from Aborigines and which can never be given back in its original state? Such a formal acceptance of guilt would have real symbolic value. It would go far to meet Aboriginal demands; the money will have to be spent on Aborigines in any case; it will offset the common white man’s view that Aboriginal ‘failure’ is due to Aboriginal fecklessness. It will cause a greater white backlash than ever before among the more ignorant and prejudiced. But such Australians constitute the hard core of the race relations problem, and it is the job of Australian governments at all levels, and of Australian citizens as a whole, to deal with them. Insofar as this cannot be done, the breach will inevitably widen. The more access to education and welfare for Aborigines without some such genuine move for equality, the wider the breach.
Wage Justice

A hunting and gathering society has less chance of resistance and eventual adaptation to the industrial cash economy than agricultural villages, which cannot be completely divorced from the old patterns of land use. The Aboriginal was removed with ease, and without too much offence to the consciences of the invaders, since there were no villages falling into obvious decay, and no clear signs of suffering occurring in the bush and out of the way of the newcomers. There were no concentrations of indigenous wealth like the village gardens and houses of the Pacific Islands.

Once the settlers had taken over the land in an area, their government sent in its official forerunners—the police ‘protectors’ and others—to maintain the peace established by violence. In practice most saw their duty as to protect the settlers. The central bureaucracy in London presided over a catastrophe which appeared in its files in suitably bowdlerised form. The literate history of this frontier came essentially from typically colonial reports. The official reports were fed into the system by those whose own prospects of employment and promotion depended on satisfactory discharge of duties in actions of which they were the sole articulate assessors. These were offset from time to time by other observers. Typical of the colonial frontiers were the protests of some Christian missionaries against the actions of the squatters and their employees, and against those of soldiers, police, land commissioners and others. The British government could well see this as growing pains in the development of a new society, into which the native subjects of the Crown could move, to find suitable employment in its ‘lower orders’ and to learn the great Christian truths on which civilisation for the world and salvation for the individual depended. That this did not happen could be explained by some ‘flaw in the soul’, some handicap of understanding in the Aboriginal; or in some instances by failure of officials to apply the
law properly and by refusal of ambitious and greedy white settlers to obey it. Aboriginal understanding could be promoted by sound religious education and elementary trade and domestic training. In the meantime the Aboriginal predicament required some charity of the ‘outdoor’ type suited to the needs of the poor ‘at home’.

The colonial economy extended rapidly and widely over the vast grasslands at the expense of Aboriginal subsistence. When the great slump of 1842 drastically reduced prices for fine merino wool, those on the sheep and cattle stations could often survive by boiling down their beasts for tallow. (The need for tallow to grease the guns in the Crimean War was to make some of them very rich men.) The gold rushes of the 1850s taught the pastoralists that sheep could be run without shepherds.

The main Aboriginal participation in the new developments, so long as convicts or other white workers were available, was in the first exploratory activity, where their tracking and knowledge of the topography was invaluable. Within the typical squating enterprise, one or more might find employment in horse-breaking. In opening up new country it was useful to have one or two. If they could be employed well away from their country they had no future except as part of the enterprise. From early times it was common to take an infant from his parents, often in the wake of a massacre or a battle, and bring him up to the work. It was not until the frontiers of settlement moved into the remoter regions of Australia, where climatic factors and distance from markets and seaports dictated that the pastoral industry become a store cattle industry, and when convicts and ticket-of-leave men were no longer available for labour, that the Aboriginal in his own country came to form the main core of the labour force.

Settlers north of the Murchison River were not allowed to use the convicts who came to Western Australia in 1850. New South Wales squatters had failed to influence government to import regular supplies of Asian labour; and when a Queensland government was established in 1859 the anti-squatter populations of Brisbane and Ipswich could frustrate squatters’ hopes for an obedient Asian labour force. By this time the Aboriginal had long been discounted as a potential employee. On the frontiers, his attitude was still that of the recently dispossessed owner, or of the defender of his property—an attitude which has continued to affect the relationships in employment ever since. Employers’ attitudes reflected habits of thought formed by the whites during the decades when the labour of convicts, ticket-of-leave men, and free workers brought out under immigration schemes was available.
These remote regions may be broadly indicated by drawing lines on the map from Cooktown to Ceduna, and from Eucla to Exmouth Gulf. Most of the land suitable by type and location for closer settlement falls to the south-east and south-west of these boundaries. Between them, and right down to the Great Australian Bight, stretch vast plains which include the central desert country, vast areas stocked with cattle in the centre and north, and a good deal in western Queensland, and east of our line in Western Australia, suitable for sheep. Most of the 8 per cent of Australia occupied by Aborigines is in these remote (formerly useless) areas. A considerable area is classified as Aboriginal reserves. The Central Reserve and the Arnhem Land Reserve are the most extensive, but several others are very large in comparison with reserves in 'settled' areas. The reservation of these lands was in part a long-term effect of the reaction in Queensland against extermination practices which its government had supported until just before the end of the century, in part of missionary enterprise, which after the earlier failures gained impetus, again round the turn of the century, and in part of the entry of the new Commonwealth Government into policy-making when it took over the Northern Territory from South Australia in 1911.

In north Queensland use of the Native Police for 'dispersal', amounting in practice to 'shoot-on-sight' against groups thought to threaten settlers and stock, came to an end in 1897. By then the frontier had reached far into Cape York and round the Gulf of Carpentaria. Sporadic killings with police participation and/or connivance continued for another three decades in Western and South Australia and in the Northern Territory. But more drastic than such punitive actions in its effects upon the tribes and tribal life was the stocking of their country. This was especially destructive in the central regions, for taking waterholes and the thin pastures for cattle left little choice for the hunters of game and the gatherers of grass seeds, roots and fruits but starvation and hopeless resistance, or a condition of mendicant dependency. Those who stayed in their country lived in this condition as the 'mob' of 'station blacks' on the leasehold property, in dependence on a Christian mission or on a reserve. Those on a large reserve had the best chance of living out their lives with comparatively little interference. But the station people, under the white man's law, were to be treated as workers who did not need wages, and dependants who could be considered by managements to require neither safe shelter, adequate food and clothing from the station store, schooling, nor health services. When it has suited the white man he has generally
been able to see the Aboriginal as the nomad who can 'get along' somehow as the nomad he used to be.

More fortunate were those members of riverine and coastal tribes of the far north, except for those who, after 1897, came under the very rigid Queensland laws. In the Northern Territory or Western Australia they could retreat into islands and river bank and coastal bushlands. These areas, which were unsuitable or inaccessible for cattle, continued to offer traditional foods, as well as retreats from the whites.

For decades this whole region remained economically marginal. Features of a colonial society still persist there. The Aboriginal on a pastoral lease has occupied a situation rather more desperate than that of the serf, who at least had some recognised tie with the land. If he moved away he was likely to live as a pauper either round one of the townships or in an Aboriginal reserve settlement in the manner so common in the more closely settled southern regions. More recently the great mineral discoveries have transformed the economic prospects, through the investment in roads and seaports, of the pastoral industry. Perhaps once again economic hopes for the region will be frustrated by the current crisis in world capitalism. There has never been much hope for the Aboriginal in this economy. Neither pastoral nor mining development is labour intensive today. Generations of 'workers' and 'dependants' (a distinction commonly made between those who may be paid for their work, and those who may be called on to work for nothing) have been subjected to the whims and economic decisions of managers. These men and their wives have, as one would expect, varied from the harshly arrogant to the paternally generous; but the economic situation tended to pervert this relationship of white management to coloured labour to one of the harshest in the colonial world. There were individual white retreats, but the sacred country was inexorably transformed to western economic enterprise, and its people to 'units of labour' or mendicants.

The seed-giving grasses and the wild root crops could be trampled and displaced by new types, and food-giving animals replaced by beef for the world market. Government supervision was partly impossible and mainly in the hands of distant officials with neither resources nor support from other departments of government which gave cattle a higher priority than Aborigines. Colonial bureaucracies sent their less efficient officers to the frontiers—as in colonies the world over—to govern inarticulate natives. White settlement was encouraged, but not effectively restrained; and pastoralist paternalism could, without effective interference (which lack of transport over vast distances often rendered impossible), degenerate
into extreme tyranny. Paternalism implies a fatherly concern, which has been far from typical among those who spoke for the cattle industry in the north.

There were many kinds of management. There were the managers for big absentee companies, many of them representing one or two large British firms with interests in South America or elsewhere. These could regard outback Australia as a potential threat to the places where their real interests lay, and hold the leases mainly to keep the land out of the hands of competitors. Such a firm had little interest in its black labour force. At the other extreme were the pioneer ‘battlers’ with small capital who could not afford to provide reasonable living conditions. Many of these might live in much the same way as the Aborigines. In between were the well established family enterprises, many of which regarded a reasonably fed labour force as a necessary investment. But even these tended to the view that the Aboriginal had little use for money or for housing. The point they missed, or did not want to see, was that once the nomadic group is stabilised for long periods, it requires for health and eventual survival the services of sanitation, shelter and clean water.

Game rapidly disappeared from the areas within hunting distance of the station, so that the initial supplementary ration, which had become the traditional one, was no longer sufficient. And by this time, the whole history of the situation had produced a justifying myth—that no matter what one did, the Aborigines would ‘die out’ in the face of the ‘higher’ civilisation. So a potentially stable and effective labour force and economic asset for the nation as a whole (if one looks at the matter in cold economic terms) was squandered by those who, through prejudice, overlooked its value, even while they were completely dependent on it.

One of the great advantages for settlers in sheep raising was that it so soon proved not to be labour intensive. In the earlier period, when the settler believed in the necessity of shepherding for protection of his flocks against the blacks and the dingo, convicts and ticket-of-leave men were available for this work. There is good evidence that more black shepherds were used during the gold rushes, but even then they were a small minority. Thus the management of sheep stations came to require considerably less labour, except for the annual ‘harvest’ of the enterprise—boiling down, shearing etc.

Labour on the cattle stations except for maintenance, horse-breaking and a few other tasks was even more a matter for the roundup season. Regular employment of Aborigines on the central and northern cattle runs required very few men and a few women for the household tasks,
with the remainder of the ‘station blacks’ becoming more and more completely dependent on the settler who had taken control of their lands, and who was busily destroying their wild animals and other sources of food in the process of depasturing his stock. For a long time some of the old rituals could be followed, provided that the group could move round its proper country. This stage must have endured, except for places where there were wholesale massacres, or where populations were wiped out with disease, until closer settlement cut across the runs with fences: when this did not happen, the situation remained little changed until the great mining developments of the last two decades.

On the vast cattle runs, as in the north-west of Western Australia, the tradition of the ‘walkabout’ fitted in well with the needs of the stations. The Aboriginal group which provided the essential labour, typically for some rations in lieu of cash wages and/or accommodation, would visit the sacred places and renew its cultural traditions in the off-season for cattle work. On the one hand the Aboriginal station community, providing labour when required, remained at the mercy and discretion of the management. On the other, the cash economy and the chance of getting processed foods and industrial goods attracted the Aboriginal as it attracted colonised people elsewhere. There is evidence of crowding in by the tribes to the new stations. The dependence on tea, sugar and flour from the station store or from the mission or government rationing post was partly due to realisation that the incessant hunt for food was not necessary. But there was little alternative where the settler took over the only waterholes for cattle or sheep; or took over as grazing lands all the grasses which used to support the marsupials and other objects of the hunt.

Although expropriation was not always complete, in time it became so. Even the rare waterholes in the central deserts were taken from the Aborigines to maintain a few cattle. Professor Stanner has described the situation on the Daly River half a century ago. Here it seemed to the settlers that there were heavy populations because of the numbers round the stations. Yet disease, the gun, and starvation were rapidly killing off those in closer contact with white settlements. But, as this happened, others leaving areas further out were attracted in to the stations.

Not until the 1940s, it seems, was the northern cattle industry concerned about its Aboriginal labour force. The concern then was not so much to save those currently employed as to replace them, as they died

out, from elsewhere. By this time, except for the large reserves established in the late 1920s, the bush further out was almost completely depopulated. In time, many Aborigines on the stations were living beyond the limits of their own country. Intermarriage and miscegenation meant that increasingly they had to depend on legends which faded with time and became progressively more irrelevant, where formerly all had been clear. The ceremonies of transition and socialisation could be held only in the off-season for cattle. Otherwise there were too few in the country to which the rituals applied and in which they must be performed, who belonged there. Those from other country could adopt them if they belonged to a related linguistic group: they might have a claim to mind or 'look after' the country now given over to cattle. This provided a cultural support in conditions where the individual lacked even the poor protection widely used by colonial managements elsewhere for the unit of labour.

From Aboriginal society, as from the New Guinean, new cash enterprises generally attracted far more than the labour necessary to keep them going. The settler from the first set out to use the natives. They in turn set out to use him, as a source of industrial goods in exchange for their limited services. In a situation of first contact there will not necessarily be hostility, although there is always a temptation to kill the white newcomer and take the coveted things. The realisation that the settler is there to dispossess the people, taking over all their land, soon changes the initial welcome, especially with the further realisation that he will not behave properly according to the just principles of gift exchange politics and economics. Another cause of hostility is fear, and especially (as was generally the case in Australia) where a white man coming into an area has been preceded by stories of shootings and expulsion from hunting grounds. It may be true that the gadgets of the white man had little appeal (except for the gun, which they could very seldom get anyway); and that Aborigines might often have decided that their own equipment was better for the life they must follow. But food and drink of a kind not hitherto known, and drink which would make a proud man forget anxiety and grief caused by the need to submit completely to the newcomers, had special appeal. Tea, sugar, bread, and especially liquor formed the mess of pottage offered in place of freedom with physical and mental health. The comforts of the most poverty-stricken settler's hut probably destroyed the age-old innocence when people had placed little emphasis on material possessions. The possibility of comfort would bring the young Aboriginal especially to question the need for his own hard
struggle for subsistence. White man's ridicule made him conscious of the vulnerability of nakedness and he was denied the means of covering it except with discarded rags: this provoked even more ridicule, setting a pattern of social relationships which has lasted until today.

Some writers have criticised the readiness of some Aborigines to part with the most sacred objects in exchange for a bellyful of strange food. There are men of small account in all societies, and in times of rapid social change it is often those of small account in the old ways, with little to lose, who will adapt most readily to the new. But destruction of indigenous resources of food brought even the most unwilling to the poor station diet in the end. The men of high degree could lose control of the young men. The youth could escape their discipline, by betraying the elders or the secret knowledge to the white men, often for a reward to match the conqueror's contempt and ignorance of Aboriginal values. In colonial situations the innovating delinquent from tribal values could, as his people found opportunities to enter the new cash economy, lead the way into a new kind of prosperity. In colonies such men became pioneers, sometimes leading the way into the post independence cash economy. But the Aboriginal innovator has been held up on the fringes of a more exclusive white man's economy.

Industrial colonialism generally recognised the economic value of both the land and the native. Both had value to be exploited. Thus the process of economic exploitation (or 'development') involved ways of using native labour on the plantation or in the mine. Much was made of the need to transform the warrior to the peaceful worker; and the obvious way to achieve this was to compel him to work for the colonisers. The gospel of peace, brought by the Christian missions, fitted nicely into God's plan: for the native races, salvation would come through work. Thus the native became the 'unit of labour'. When he learned to use cash, he would become a purchasing unit in a controlled market. Where the colonised countries, as in Asia, had highly developed politics and economies, these could be manipulated to make the native a unit in the profitable import-export trade, buying the product of the colonisers' factories at the expense of his own handcrafts. Thus were the hero or the follower, the magician or the warrior de-humanised in the logic of western economics applied for purposes of western greed. Even in the poor countries of the Pacific the store trade in foodstuffs and clothing, axes and knives, soap and kerosene had its importance—enough for instance to lead firms to produce axes and knives especially attractive to the trade. The market for guns was at first disastrous in the tense societies
which industrial and mission contacts had already produced. Humanity and self-interest in time caused governments to regulate this market. In time, also, the means of recruiting and controlling native labour came to be regulated as it became a scarce resource of increasing value.

In the tropical colonies, native labour was an asset not lightly to be dispersed or destroyed and there were laws supported by the biggest companies which limited contract terms, and arranged for visits by the worker to his wife and village, so that there would be more workers in the next generation. There were legal limits on the proportion of recruits taken from any one social group, so that this source of labour would not be destroyed. Its destruction would not only decrease the labour supply, but might make it necessary in the future to maintain the retired or injured worker at the place of work and at the expense of the employer, since he could not be sent home. Moreover, by leaving wives and children for the village to maintain, the employer could avoid the cost of their keep. The wage, paid in kind with a small cash component, was calculated to keep the single worker in good physical condition.

Colonial administration justified itself, like any other form of government, in moral terms, proclaiming moral purposes. The proclaimed intention (in the very long term, of course) was that the native would learn to share the civilisation of his conqueror, and become a member of the same or a similar community. One way he could learn to do this was to pay his share of the cost of the colonial government through taxation. The whole program involved integrating him into the colonial economic system by getting him to use the coloniser's money. Laws were introduced to push him into the cash economy—through taxes to be paid in cash, through government support for labour recruiting, even if only to the extent of licensing and protecting the recruiter, and by going along with the legal fiction of a 'contract of service' in which the contract worker was an illiterate who could not know what a contract was. The system was justified as in his interests and as a process of education.

In all this the interests of the entrepreneur, the mission, and the government largely coincided. It was in the long-term interest of the investor that the native worker should become a willing worker for wages. Cash alone could provide the fluidity which would loosen up the cultural and other barriers dividing villagers from one another in separate tiny subsistence economies. Such fluidity was essential for the building of a cash economy. Only from such an economy could large-scale profits flow, and the cash economy of the country become self-supporting. This,
of course, involved profound interference with the subsistence economy which had fulfilled indigenous needs in the past. Regular payment of wages could produce the willing worker, once he felt the need for cash. As the dominating motive was economic gain, colonial economies developed as supplements to those from which colonisers came. This is one reason why after decolonisation there has been such difficulty in economic development, since pre-independence ‘development’ was mainly to produce and to sell in the interests of the metropolitan country.

Seldom have these considerations of long-term self-interest or humanity marked the exploitation of Aboriginal labour. The nearest approximation was in Queensland legislation. Here the Aboriginal settlement filled the role of colonised village, where the family was maintained by the government, while the men went out under contract to station employment. His low wage was made possible by these colonial style arrangements, which operated for a long time as a subsidy to the Queensland pastoral industry and obviously made it easier to pay the higher Aboriginal wage before 1968. It was common in colonial labour relations for the small-scale enterprise to avoid meeting the minimum conditions; which was possible because of the difficulties of inspection, absence of labour unions, and illiteracy of the workers. In Australia, the ‘battler’, the small-scale employer, was most common in the remote areas and the problems of inspection of conditions insuperable, even had government been more interested in black people than in the cattle industry. Management of the big companies, mainly absentee ones, were expected by the company boards to meet the annual production norms established under the harsh conditions. There has been only belated and sporadic interest by trade unions.

There were other reasons for the different pattern in Australia. The colonisers did not have to pretend that they came here to build an Aboriginal nation. The Aboriginal produced little or nothing required for the trade or the use of the newcomers. Here there were no coconuts or other indigenous products to be processed, nor animals whose furs were in demand. Special skills could be put to use, such as tracking, and knowledge of animals. The Aboriginal soon became a very good stockman and horseman where he had the chance. But for reasons stated above his labour was not highly valued. It may have been unfortunate that in the very early days, when the patterns of interracial relationships were being formed, there were ‘lower orders’ in the intruding society: a working class of settler to undertake the menial tasks and labouring
work—convicts and ticket-of-leave men in the eastern states, and the lower classes in South and Western Australia.

Land, not labour, was the asset sought here by British settlers. Early gestures were made at compensation—the allocation, for instance, five decades after the First Fleet, of 15 per cent of the land revenue to Aboriginal welfare through the Port Phillip Protectorate. But even in 1841, the highest year of protective expenditure, this reached only one-seventeenth of the cost of importing British migrants. Even when there was no more cheap white labour, and the Aboriginal worker in remote areas was in demand, the work tended to be seasonal. The employer saved the cost of rations by sending his station blacks to the bush to maintain themselves in the off season for cattle work. It was perhaps unfortunate for Aboriginal economic integration that the working season could be fitted in with his need to visit sacred places and to refresh his spirit with the old rituals. On the other hand, it enabled groups of station workers and their dependants to maintain a continuity of tradition and the Law, their mental health and their social cohesion.

It was out on the later and more distant frontiers that the Aboriginal worker established his value. But by this time he was traditionally discounted as an employee and employed under the harshest pioneering conditions. The limited protections of indentured labour, a major subject of colonial legislation in Africa or the Pacific, were not used here. Early Aboriginal labour legislation in Western Australia (especially), Queensland and the Northern Territory was framed in terms which implied a protective purpose, but although the formal terms of protection were used, the loopholes in these laws reduced them to little more than verbal formalities. This was comparable with the formalities of official reports. Aborigines were learning, and their souls being saved, while they were dying out. The tradition was early and firmly established that the black was an economic liability, not to be employed except as a last resort. In the interior and the north, at least up until 1968, he was officially regarded as a ‘learner’, as someone less equipped than the poorest specimen of white man, and paid accordingly. Even now he is often paid less than a white worker's legal minimum wage, for there are few reliable records of wage payments, nor means of limiting truck payments at the station store. Legally, he may, in the Northern Territory, be paid less than the white pastoral worker’s actual wage, which is well above the legal minimum or award wage.

In the cattle industry as at present managed, the Aboriginal stockman is being phased out by white management. His cheap labour, both
indispensable and consistently decried and abused, made possible the bringing of great marginal areas of Australia into production for world beef markets. But from the first, the very skills on which the whole industry depended, the marvellous bushcraft without which the settler would have been lost indeed, the reckless energy, and the skill in the handling of animals, have been denied while being exploited. One effect of this was that the industry, through reckless disregard of the Aboriginal potential, squandered a significant human asset through abysmally inadequate conditions. A priceless asset in any such economy, the willingness to learn and to work, was squandered by dependence on the most inefficient of labour incentives—poor wages and conditions backed by (illegal) violence, the least effective of all work incentives. For flogging of workers was not uncommon by any means. There was nearly always, as on Papua New Guinea plantations, the threat of it to poison labour relations.

The most striking contrast with the conditions of the native worker in Papua was in the rewards of employment. In the very early years of settlement, an Aboriginal horse-breaker would probably receive the wage usually paid for the work. But in the marginal country things were very different. There was nowhere else to go for the Aboriginal clan whose land was taken over by a white man or family; they just had to adapt. Pastoral enterprises, especially so far from the towns, were generally short of cash, and wages where they legally had to be paid tended to be entries in the station books with the station store entries balancing off against the wage records. The temptation for a manager dealing with illiterates, once it finally became necessary to pay money wages, is clear enough; and the opportunity was even greater for his store-keeper.

Moreover, on isolated properties, as in the Northern Territory, the black workers would often be ignorant of the rates fixed by government. Frank Stevens estimates that 'complete information about the rates of remuneration was withheld from approximately 75 per cent of the employees. This meant, of course, that at no time were they fully aware of what was owing to them, or what they could spend in the store.' This remark was based on observation in the 1960s, not the 1860s. 'As none of the stations visited paid Aborigines the full amount owing to them, in cash, the operation of the system of retention of earnings was an integral part of the wages system ...' Interest on the deferred wage has generally been a small gain for managements of plantations in Papua

New Guinea; but there were at least systems of inspection, to ensure that deferred wages were paid before the labourer returned home. For the Aboriginal worker, there was no other way; and this was his lot, for the term of his natural life.

In 1919 the Queensland Government, partly in reaction against the earlier 'dispersal' policy, and probably also as a means of conserving labour, had set an Aboriginal wage standard of two-thirds of the basic wage. Bleakley, the maker of the Queensland policies, was asked to advise the Commonwealth on policies for the Northern Territory, and his 1929 report indicated that the demand for cash had led many managers to pay money wages. By this time the legal position was that a town worker should receive five shillings per week, while the station management theoretically paid the same or its equivalent, but in practice was excused even this on the supposition that it was supporting the 'dependants', that is the dispossessed clan members who had acquired the status of 'station blacks'. The dependants were often called on by the manager for station tasks—especially the women for housework, and commonly for sexual services. Bleakley, who fully shared (and even refined with crackpot doctrine) the racial theories of the popular mythology, was shocked at what he saw. Yet one wonders whether what he saw was any worse than conditions on his own controlled Aboriginal settlements. But he also saw well managed stations where regular wages were paid, especially in the areas adjacent to the Queensland border, which suggests that there was some mobility of Aboriginal workers.

Bleakley shocked the employers with a recommendation for a regular wage, suggesting a scale from 5s. to £1, part to be deferred, with checks on the value of goods in addition to the rations bought on account from the station store. But although the concern to absorb the half-castes into 'white Australia' led to higher minimum cash wages for them in the depression years, the position for the station labourer remained substantially unchanged through the 1930s and into World War II.

Army employment set unheard of standards for Aborigines, who received with their dependants the full army ration plus the cash wage. This forced the Administration to pay 30s. and Aboriginal keep. In 1947 the Administration and pastoralists agreed that the station wage should be 12s. 6d., rising by 2s. 6d. per week (only after three years' experience) up to £1. How far this was effective is difficult to say. The new wage was not gazetted until 1949, and there was no effective inspection. In 1948 the

Conciliation and Arbitration Commission had rejected a claim by the Northern Territory Workers’ Union for Aboriginal station workers to be paid the award wage.

Then came the inflation of the 1950s, affecting all but Aboriginal wage rates. These were not raised to £2 for men and £1 for women (base rates) until 1959; and were raised to £2 8s. 3d. and £1 5s. 3d. in 1962 when the army rate for Aborigines was £6 plus 15s. The Conciliation and Arbitration Commission in 1965 took into account what must not be forgotten in dealing with these rates—the value of the clothing issue, which brought the total male rate (where it was adhered to) to £3 3s. 3d. This was the rate when the Commission decided, on the claim by the Northern Australian Workers’ Union in 1965, that the Aboriginal male station worker should be paid the award rate, after three years to enable the parties to ‘adjust’—at the expense of the Aborigines—to the new situation: the decision recommended easy conditions for employers to have workers classified as slow workers who could be paid less.

In the meantime the Queensland rate had always been higher than the pre-award Northern Territory rates. Wages in Western Australia and in the north and west of South Australia had remained unregulated. In the Kimberleys in 1965 some stations paid no cash wages. By the end of the 1960s the payment of the award rates was legally required for male pastoral workers everywhere. But the conditions and the tyranny of distance made it difficult to enforce the regulations: and the award was easy to avoid. Apalling living conditions remained almost universal. Evidence to the Conciliation and Arbitration Commission by the Director of Welfare indicated in 1965 that only twenty of about two hundred stations in the Northern Territory had ‘made a real attempt’ to meet minimum housing requirements; that his patrol officers could only ‘persuade’ (since in a colonial situation the white man’s business had a direct channel of communication to the colonising government); that all but a few managements had resisted attempts to establish government schools and even health services on the pastoral leases.4

But these changes came too late. The mining developments in the north provided much of the economic infrastructure which the pastoral economy had lacked. The short-lived beef boom attracted overseas (especially United States) investment; and a quickly rich Australian Government could afford at last the seaports and ‘beef roads’ required. Then, when the boom ended and many of the stations had been partially converted from open range to paddocks, and helicopters could be used

4 For evidence and further details of this see Rowley. The Remote Aborigines, Chapter 13.
for the roundup, the requirement to pay award wages could be used as the pastoralist's excuse to get rid, if he could, of the 'station blacks' whose presence maintained demands on his conscience and/or his bank balance. He could salve his conscience with the thought that all are now entitled to the unemployment benefit from government.

In Kununurra and Fitzroy Crossing one could, in 1975, see again that old tragic commonplace of Australian history—the very old, the very young, the men displaced from their work and the women from the last places where the ancient tradition of child-rearing is still possible, all sitting in the dust under temporary shelters, completely dependent on the unemployment benefits which a decade ago they would have been denied. But some groups had begun a quiet resistance, moving back into their sacred areas and squatting there.

The idea that development of the north might be for the people who live there rather than for the cattle and their owners jibes well with the economist's view that expulsion of the people from their country was inevitable once the award wage was introduced. The basic issue of course is the same as that raised in the Yirrkala case. In the Northern Territory, the Land Act and the conditions of the lease had long established the right of Aborigines to remain, using the natural waters and the wild animals and vegetation—a right which far-sighted vested interests had managed to whittle down. But what do rights mean when a manager can use power to expel a group long before the government hears of it, and when the victims are often illiterate and inarticulate in English?

The loss of work and home at least goes with the minimum unemployment benefit, which makes it possible to move, with money to buy food, to the town. There are probably both push and pull factors in this belated and unplanned urbanisation of the remote Aboriginal bush worker. But there are some new developments which suggest that at last history is not to repeat itself here. One is that the push has come partly from the leaseholders' fear that the Aboriginal presence on a station to which the clan has a traditional claim threatens the security of leasehold.

A reason for the long neglect of the Aboriginal labour potential has been the dependence on European migration. Preoccupation with the building of a white nation was obviously motivated by other than economic aims. It would be hard to argue that the Aboriginal worker was so inept that it was cheaper to pay the fare of an Englishman or other European to Australia than to train him. Yet, from just after World War II until the 1974-75 slump, we have been importing Europeans each year.

5 Ibid., pp. 200-1.
in numbers comparable with the entire Aboriginal population, while maintaining at a low level of welfare institutionalised and idle Aboriginal communities, and leaving those in pastoral employment largely to the mercy of the pastoral managements.

Aboriginal peonage set the levels of labour rewards for them in other rural employment, except when and where they were allowed to join trade unions. But some rural unions expelled them round the turn of the century. Long hard use and the experience of several generations has affected the Aboriginal's idea of his own worth and as to what are valid aspirations for his children. What is often taken as tenacity of communities which in the long-settled areas adhere to behaviour patterns typically Aboriginal is partly due to the fact that no change has been possible.

But change is on the way, with unpredictable results. The acquisition of land for the fortunate groups will not settle the situation; it will give some Aborigines some chance to decide what they should work for. There have been great gains, with a formal equality in wages, unemployment benefits and other social service payments, subsidies for housing associations, legal aid and encouragement to form their own associations and councils. One great lack is of a reasonable level of employment, especially in the northern pastoral regions. This is one good reason for clans to seek to withdraw from contact with whites and go back to their home areas. The fringe-dwelling unemployed have children who grow up without the old cultural supports, away from their country and very much aware from what they learn in school and see in the towns of the opportunity offered to the white child. A limited formal education which leads nowhere will probably produce a new generation as resentful as generations of fringe-dwellers in the southern areas have been. But it will be a better informed generation, well aware that black people all over the world are emerging from situations of injustice at the hands of whites.

Higher formal education of the young is expanding their view of the world and confirming the injustices affecting all Aborigines. Legislation for land rights is not the only cause of the backlash. Equality in wages, social service payments, including unemployment benefits and the conditions which make mobility possible, are resented by some whites because their own economic interest may be affected. Some people are comfortable only when there is a group of persons lower down the pecking order than themselves. For instance, access to modern means of transport enables Aborigines to move into new areas to try their luck and
their initiative. Some have been more successful than many whites in making the best of a period of economic recession or boom.

The purchase of large cattle stations by the Aboriginal Land Fund Commission for those whose country it is, has had some curious effects. For the oppressed workers become, on the day the contract for purchase is complete, the bosses. In the early cases, as the Aborigines lacked confidence and management skills, white advisers were appointed. This has proved to be a mistake, but one very hard to rectify. It was a mistake because the presence of the white 'expert' re-created the pastoral situation in its colonial essence so long as the man was appointed for his alleged management skills. He automatically assumed the rights of the former boss and the Aboriginal workers and dependants as automatically conceded it. Aboriginal leaders proved reluctant to bring the most neglectful pastoral 'experts' under the control of their councils, so that the new owners were being dominated by the employee. This also happens on some reserves and settlements where there are large staffs of white 'experts', but by no means on all.

One reason, I am convinced, is Aboriginal magnanimity, and especially that of the men of high degree. There is a reluctance deep-seated in the culture to condemn; and a realisation that people act the way they do because of their own natures. Another common feature of the Aboriginal worker is a loyalty to the enterprise. The first Aboriginal walk-off from the stations in the Pilbara almost failed because of the reluctance of some station workers to cause inconvenience to the boss. In one case the 'strike' was postponed until he had returned from his holidays. When the Gurindji walked off from Wave Hill, the leaders sent a man back to make sure that the cattle were properly watered.

One of the greatest nuisances the Commission had to deal with was the son of an owner from whom it had bought a station in central Australia. He persuaded the Aborigines to request his retention as adviser; and properly, if they were ever to develop leadership, their request was granted. But he sorely misused their resources and those of the government in his own interest. There were frequent complaints; but in the last resort no willingness to have him removed. So he remained in his father's house and tried to have his wife and son employed also. A term was set to his stay as salaried 'adviser'; but although he was quite useless to the people, their spokesman would not hasten his departure even though he had the power to dispense with him at a month's notice.

I know this case at first hand, because I discussed the matter with the clan leader. He told me that he and the 'adviser' had grown up together;
that he understood their language; that therefore he could do nothing but put up with him. He was the magnanimous one. The 'adviser' a man of mean spirit, was intent only on screwing the last dollar from the situation before he had to go. In one other case where the former owner had stayed on in similar circumstances, it took two years for the people to unite behind their spokesman and get rid of him.

This experience of sacking the white man has great symbolic significance; and one may be sure that the story is widely known. There is more than magnanimity here. No group of peons has been more heavily colonised than these rural workers. Their whole system of rewards for work, lack of housing, lack of education, restriction to the menial and difficult tasks and the social distance between the homestead and the camp depended on a system of belief held by the managers. This was typical of what Memmi calls the ideology of a colonising governing class.

By agreeing with this ideology, the dominated classes practically confirm the role assigned to them ... oppression is tolerated willy-nilly by the oppressed ... In colonial relationships, domination is imposed by people upon people but the pattern remains the same ... the colonised gives his troubled and partial, but undeniable, assent. The bond between colonizer and colonized ... is destructive and creative. It destroys and re-creates the two partners of colonization. One is disfigured into an oppressor, a partial ... treacherous being, worrying only about his privileges and their defense; the other, into an oppressed creature, whose development is broken and who compromises by his defeat. Just as the colonizer is tempted to accept his part, the colonized is forced to accept being colonized.6

The outback townships are not very promising, with the general shortage of work, lack of adequate shelter, especially the need to pay cash for all the family food and clothing without possibility of supplementing it from the land, and the perpetual temptations which even the small town offers to spend money. These barriers cause some groups with special ties to the old country to take the unemployment benefit and other social service payments and go there. In a process of comparatively free resettlement there may be many such changes of location. A retreat to one's place of origin, to go 'home', may alternate with experiments in country town or city. The latter becomes the new 'home' only if and when the total of social and economic resources there outweigh those of the country.

A proper aim for policy is therefore to make more attractive the places where social advantages and/or employment are most likely to be found. The Aboriginal decision on these matters is the significant one. Therefore new Aboriginal institutions for reception and advice in both areas should be encouraged by policy makers and the facilitation of Aboriginal access to traditional land may thus contribute in the longer term to the relocation of the Aboriginal workforce.

But the worker who has lost his employment on the pastoral property is only beginning the road which has led finally to the fringe-dwelling communities of southern Australia. Hundreds have found their way (or, at an earlier stage when the decision as to where they would go was made for them by officialdom, were removed) to mission or government settlements. We will give some account below of the lives that they have led there.

By no means all classed as Aboriginal left (or in the northern regions will leave) the pastoral areas. In the areas adjacent to those closely settled in the south-east and south-west, which are commonly referred to by urban dwellers as 'the outback' (such as those 'back-o'-Bourke' and along the Darling), descendants of Aborigines still form an important part of a mainly itinerant labour force. In the 1960s when my work took me amongst them, some were still living on pastoral properties, in good bush housing they had built for themselves by permission of the management. But more were concentrating in the small townships and villages where they could be 'picked up' and 'dropped' by pastoral employers as required. These people belonged mainly to the 'unnecessary minority' of part-Aborigines, their large families illustrating the fact that this is the most rapidly increasing group in the Australian nation.

They also seemed to me to be among the most competent in rural living and pursuits. They (rightly) regarded as failure, or at least a serious setback, any prospect of having to live on an Aboriginal reserve. The men were drovers, fencing contractors, rough builders, well sinkers, goat musterers, and general labourers. In spite of the attitude of the AWU in previous years, some were shearers. But technology was making some of these skills irrelevant, and reducing the pastoral labour force. White labour still gets preference. In 1965, which was a drought year, a sample survey which I conducted in rural New South Wales indicated an unemployment rate for Aborigines of just over 20 per cent; and 2.9 per cent had been unemployed for six months or more. From press and other reports, the slump in the cattle industry of 1976 was producing unemployment rates round 30 per cent.

In the dry season water may be available only from the source supplying the station homestead; and the manager’s right to expel anyone camped within a mile of his house was a deterrent against the erection of permanent dwellings, in which tools of trade could be stored as well as the family housed. Some of those I spoke with wanted to depasture a few sheep for meat; but this also was difficult. Such groups were as dependent on the attitude of the manager as if they were employees. When they worked they were at least entitled to the award wage, though this did not mean that they always got it; and across the Queensland border they were not in those days entitled to it.

Their treatment by the whites was that accorded to other Aborigines in the south—suggestive of indifference rather than the enmity so commonly faced by the full-bloods of the north and centre. They formed such a small minority that they did not appear as a threat. (In the centre and north of Australia, Aborigines outnumber whites except in the towns.) They were victims of the same self-fulfilling prophecies as elsewhere, involved in the same complexes of multiple causation. Having no chance of building up an interest in property, and being scarcely literate, and anxious, they might ‘squander’ their money; if this was on drink the results would verify white expectations. For instance, having no tenure of the land on which the house is built, the families are overcrowded without safe storage space. The whites will imagine the awful things which must occur ‘in front of the children’, having no notion of how strong the conventions of avoidance can be; and will condemn ‘blackfellows’ who leave valuable tools lying on the ground. Tasks for the women included carrying water in plastic buckets and, sometimes with the children assisting, in rolling steel drums of water up the banks from holes in the river or creek bed.

I spoke to illiterates who were determined that their children should have effective schooling, as the old ways of getting a living were disappearing. But for this the family required a house in a country town or village with a school. This might have attracted some to seek a place on the Bourke or other reserve; but the real ‘battlers’ I spoke with would regard such a choice as a final defeat. Some of the older men holding such a view were illiterate, but spoke with that impressive wisdom which often marks those who are accustomed (since they cannot easily echo the ready-made opinion of the press) to think carefully about what they say, and to base this on their own experience.
But such a worker is a relic of the earlier day of the migrant bush worker, whose traditions he has inherited. Ten years ago some families were still living like the old bush workers within easy distance of large towns, even in the coastal areas; but they too were relics of the old frontiers, remaining within the interstices between areas of the closer settlement which had divided the land with fences into farms. Others had found their way back into employment from town to farm, establishing the same uneasy relationship with the farmer as those further out have had to maintain with the pastoralist. Some of these people may live quite close to a wealthy town, but in quite shocking conditions. I remember the single man who lived in a disused car-body; the young couple with a baby who lived in an old water tank tipped on its side; and the man, wife and six children who lived in a disused cow-bail, from which home the mother managed to send off the elder children clean and well dressed each day into the school several miles away.8

There has in most States been a marked change in government policies. Although this has occurred over a period of boom conditions have apparently not changed much since the mid-1960s.

I have referred to people who live as fringe-dwellers round country towns, to those on isolated reserves and settlements (and especially to those in Queensland still under the control of government officialdom), as having reached ‘the end of the road’. I do not mean to convey that they are in a situation which is irreversibly hopeless. The trend is obviously the other way, as illustrated by the withdrawal of the managers from reserves, stations, settlements in the other States. The policy of consultation with Aborigines, the efforts to establish some new corporate bodies to bear responsibility, the vast increase in expenditures on welfare, education, and the like, the other moves to promote equality and to promote some access to property, the moves for a special Aboriginal land title—all this has stimulated as well as partly resulted from the Aboriginal political movement. The very cries of anguish from some whites as they lose some of their small status to Aborigines should be taken as a promising sign of progress. Yet the most intractable of the Aboriginal situations remain; and the danger is that the number of people doomed to live out their lives in such circumstances could increase. For instance those who have retained until now at least some independence, in their own country or elsewhere, may now be compelled to sit down without employment and unwanted on the fringes of the town.

8 For these cases, and others like them, see ibid.
During World War II, when their labour was in demand, many of the country town fringe-dwellers found that they could earn a living in the capital cities; and the choice of metropolitan or big city urbanisation, at a price some families find they cannot endure, has for the last three decades provided a way of escape from country town prejudice. These moves have been made in a search for employment, with the chances of staying for a time in the city enhanced for those who already had kindred there. Even a decade ago families planning a move to Sydney would generally know of at least one address where Aborigines from their own area would be welcome.

It was natural that people of Aboriginal descent should feel the attractions of the big cities like other Australians. The hindrances which had restrained them for so long included the high risks of unemployment in an urban environment for those who assumed that they would be "last on and first off"; and the legal and de facto restraints on their movements under the various Aboriginal 'welfare' acts. When after the war some who had lost their wartime jobs remained in the cities there was the usual trouble with the police; and the officials responsible for Aboriginal affairs tended to assume that such affairs were properly (as they had always been) rural ones. It is fair to say that the metropolitan police, at least in the States which had larger Aboriginal populations (and on occasions, especially just after the war, in the others), let Aborigines know that they were not welcome.

I think that one special attraction of the city to the fringe-dwelling worker and his family is that employment and money are less likely to be dependent on colour of the skin; and that in the city one can buy most of what one wants for oneself and one's family, including distractions and entertainment. The job with a house in the big city might offer the best possible life for someone whose appearance attracts prejudice, for there he can lose himself in the crowd.

These days, of course, the cities have become the centres of the Aboriginal political movements. It is interesting to remember that forty years ago the town of Dubbo was the political centre of the Aboriginal protest movement in New South Wales. Today protest is more likely to be found in the inner Sydney suburb of Redfern, where the relationships of Aborigines with the police continue more or less in the old manner. In the long run, with the pressure from an increasing population easing through the decline in migration and in the white birth rate, the best chance of equality in access to employment, housing and generally

reasonable living standards may be in the capital cities. Any increase in immigration from overseas will probably have to come from non-European areas, and is likely to add to the cosmopolitan appearance of the urban crowds—then the Australian metropolis becomes more like a city of the USA or Britain.

The Aboriginal, already less conspicuous than he used to be, may well find allies in opposition to the myths of white Australia. His leadership has already acquired the confidence to assert all aspects of Aboriginal personality, and this may become easier when there are other, and perhaps equally embattled minorities. At the present time, however, some Aborigines oppose the relaxation of the white Australian immigration policy, until such time as their own needs have been met.

In the metropolis, the Aboriginal worker meets the kind of injustice faced by the American black. But he is likely to have escaped (if he has found a house and a job) from the situation of the fringe-dweller or reserve inmate about which much has been written in the last decade, although he may in bad times for the economy have to go back there. Surveys ten years ago suggested that 46 per cent of Aborigines in rural New South Wales and in South Australia were general labourers; 10 and 19 per cent respectively were in semi-skilled employment. But these percentages were of totals which included the 20 per cent unemployed. Six males of every ten claimed no special qualifications, recognised skills, or special experience. One per hundred held the Intermediate Certificate which then indicated successful completion of three years secondary schooling; 75 per cent had no insurance policies, and 80 per cent were not members of any community organisation in New South Wales. Only 15 per cent of women were employed outside their own homes, and some 80 per cent of them had no post primary training or skills.

These are not statistics selected from the 'very bad' areas of Australia. On the contrary, rural New South Wales was a 'good area' by Aboriginal standards, and probably remains so. For there seemed little hope of rapid change. One person in three who had left school had not completed primary education, and two in three had not entered high school. Only

10 Rowley, Outcasts in White Australia, pp. 131-302.
11 Ibid., Table 18, p. 336.
12 Ibid., Table 21, p. 339.
13 Ibid., Table 22, p. 340.
14 Ibid., pp. 345-6.
15 Ibid., pp. 345-7.
three out of each ten houses contained anything we could classify as a
book. Homes were greatly overcrowded by Australian standards. Three
houses in ten had walls of typical scrap materials (often from the town
tip), and these homes contained over a third of the population surveyed,
with a higher proportion of children. These who failed to establish
themselves in the cities would be returning to these conditions, which
would probably cause many of them in due course to try again.

These people are still caught in the web of multiple causes, so that
what looks like a cause of unemployability, for instance, may as well be
seen as an effect. Poor education condemns men and women to the
humblest and least protected jobs, if they have jobs. But such jobs are
likely to be seasonal; so that the family may have to move through
several employment areas. Jobs like fruit picking, potato digging, cotton
picking, pea picking and the like may employ whole families, including
the mother and children. Taking children out of school is not likely to
help them qualify for other employment. Thus the job will discourage
education; and the lack of education determine the kind of employment.

Though the mobility of the Aboriginal worker is generally limited by
lack of capital, so that there are not many of them among the seasonal
workers who travel long distances, his commitment to seasonal following
of the crops confirms the general impression that he has a psychological
need to engage in the ‘walkabout’. This in turn is an excuse for putting
his application for a job on the bottom of the list. The general impression
is fallacious, based on evidence which is part of the total situation, not
the whole. For this is not only, not even basically, an Aboriginal
situation. One factor overlooked is the most obvious—the refusal of white
Australians to concede real equality, even in the mid-1970s. The essential
situation is not Aboriginal nature or reaction, but the nature of white-
black interaction in a relationship hardened through eighteen decades.
The tendency is to point to some Aboriginal conduct and to lack of
education, and to postpone equality until ‘they’ are ‘educated’ to behave
like the white Australian (which is somewhat out of date when so many
young whites are trying to live and behave like Aborigines).

The educated Aboriginal seeking higher employment has for a long
time come up against this social barrier. In the past he has also been
accused of trying to desert the Aboriginal cause. Until this generation
produced a few determined young graduates and others, this double
discouragement was helping to maintain a state of disorganisation and
powerlessness.

16 Ibid., pp. 312-25.
The continuation of prejudice had made possible the increased scope of the legislation controlling what Aborigines could do and the nature of the employment they might hope for. Yet Aboriginal society could not be changed by controls. It could change only according to its own rules and decisions. The legislation was based on the other assumption—that the changes required could be produced only by a process of compulsory tuition by whites, to bring ‘them’ to live as the whites thought proper. Needless to say, this long process was a failure, resulting in excessive cooperation, or defiance or in retreat into apathy by individuals. Defiance involved the deliberate affront to middle class moral standards, and in breaches of the special restrictive laws, especially those against use of alcohol. This did not recommend the men to prospective employers.

The legal and administrative restrictions were felt most keenly by those living under direct control of managers of Aboriginal reserves. They (in the mass of course, for there were many who continued to try desperately for respectability and white recognition) tended to react in the manner of inmates of institutions under authoritarian rule anywhere; with a mixture of defiance and dependence on authority, and by using the resources of the institution for their own, often illegal, purposes. This, of course, appeared to the authorities as habitual irresponsibility. An effect of such a long continued habit is that it may persist when conditions have changed. In situations where such reactions are no longer a relevant means of protest, they have sometimes persisted. Aboriginal leaders in charge of developmental projects in the southern areas often find that their basic problem is to establish responsible team effort and a habit of work among people who have been thoroughly demoralised.

Add to this the effect of continual, life long anxiety and insecurity and the well founded belief that no matter what a person does, he will not be accepted by the whites still in control. Under-nourishment, very poor housing, resort to alcohol from an early age, and other symptoms of hopelessness (like petrol sniffing, self-wounding when drunk etc.) and finally the belief that one is inferior, based on the experience of a lifetime and inculcated by parents—all this maintains the tension which leads to mental breakdown. To regard this situation as one for welfare services, education and job training is somewhat innocent, to say the least.

At the core of the Aboriginal reaction in employment is the yearning for justice. Such a state of mind promotes an imagined compensation rather than a logical appraisal. In his second volume of The Gulag Archipelago, Solzhenitsyn has written of the reactions of political
prisoners who have committed no crimes and done no wrong nor anything to deserve their fate, of how for the first years they looked for the expected pardon, trying to excuse their lot as a mistake by government, and addressing endless letters to Stalin and his high officials. There must have been a mistake: some unknown enemy had betrayed them.

Every day and every hour of their life here is one continual injustice, and in this situation they themselves commit only injustices—and one would think it had long since been time for them to grow used to it and to accept injustice as the universal norm of life. But no, not at all! Every injustice ... continues to wound them ... just as much as it did on the first day ... And in their folk lore they do not create legends so much about justice as in an exaggeration of this feeling, about unjustified magnanimity.17

There is something of this in a common Aboriginal tradition. Thus many believed that Queen Victoria had herself given them the poor reserves, that the land within the boundaries really belonged to them; that in some unjust way officialdom had intervened between the source of justice and those who needed it. So fundamental is the need for a just balance that where a source of justice does not exist, the tormented soul imagines it. But even ten years ago only the old folk could believe in the justice of Queen Victoria.

Australians in 1976 were increasingly worried about the problems of their unemployed youth. There is talk of the 'demoralisation' arising from months of unemployment. Aborigines have usually had to face a lifetime of insecurity in employment. Their working lives have generally been intermittent, and the idea of a career impossible for them. In bad times for employment as at the end of 1976, they remain at the end of the queue for work, at the head of it for dismissal.

The Outcasts and the Country Town

I have already characterised fringe-dwelling Aboriginal groups in southern Australia as having reached 'the end of the road'. The 'road' I referred to is that which leads to poverty, low status and loss of the power to organise to promote one's interests; and of this road they reached the end some three or four decades ago, and could go no further without disappearing from our sorry history. Disappearance is what policy-makers hoped for, but people from these places are becoming active in Aboriginal politics, and appear to be establishing themselves as a permanent force in Australian society and politics. In saying 'go no further' I thought also in terms of social disintegration and personal frustrations. They might have gone back to equally or perhaps more hopeless situations up to some ten years ago—back on to government managed Aboriginal welfare stations and settlements. This would have been a move 'back' because a high proportion of these families had come away from such places, often deeply influenced by their institutional background. Coming to town had been an escape from domination. Others have been living beside or within town boundaries (but excluded from town amenities) for generations. Some who live on government 'town reserves' were, until recently, supervised by town police 'protectors'. In most towns with an Aboriginal group one police officer would be the Protector of Aborigines, and too often regarded his function as protecting respectable whites from his stereotype of the wicked black. Some Aborigines, in protest against officialdom, or because of overcrowding or lack of housing on the town reserve, built shacks on vacant land to which they had no legal claim. Some (a few) were accommodated by grace of an owner, or for small rent. Often the land was part of the town common or Crown land for which the authorities had other plans, and to remain there was a challenge to the town council
and a source of permanent anxiety to themselves. For they had no recognised tenure, and no control over their shacks.¹

These days an increasing number will have housing in towns, often resisted by white neighbours—less so, perhaps, than a decade ago. It is possible that entitlement to unemployment benefits and other social service payments, which guarantees that Aborigines have money to spend in addition to what they earn in wages, may be weakening the caste barrier somewhat: and the Aboriginal family in the street might have a demonstration effect—that Aboriginal needs and capacities cover the same range as those of other Australians.

Other environments in which Aborigines must live may seem to those accustomed to industrially-produced comfort to be even more inhuman than the fringe shanty settlement, especially in the desert regions where cattle have had priority over people (and may again, with a return to ‘northern development’ based on quick profits for the export trade). But those who have survived in these harsh conditions have been able to do so largely because they have retained a core of social cohesion, of traditional decision-making and their own law. Had they lost these social and political means of adaptation they would have joined the majority in government settlements and missions or in the fringe areas of the towns. For such social and organisational advantages may be rapidly lost—by attraction to the fringes of new mining towns or by the recent new expulsions from pastoral leaseholds, for instance. Earlier, government officers would ‘round up’ any free moving nomadic groups and ‘bring them in’ to controlled settlements, often for altruistic reasons. A symptom of social collapse, when people begin to lose hope, is the increased resort to strong drink. Then the wise old leader may appear a clown before the young men and the systems of child-rearing may be wrecked by neglect.

But all this, and worse, happened long ago to those who now form the fringe-dwelling communities of the south. The resultant poverty, and sporadic violent protest was matched by ever-increasing rigidity in government control; so that even those who lived outside the controlled reserves might as well have been there. The problem of who was Aboriginal and therefore subject to the special laws could always be settled by a rule of thumb, commonly enacted in the laws themselves. The local magistrate could decide, on the personal appearance of an accused person before him, or, for that matter, of someone not accused,

¹ For a detailed study of the position of Aborigines in and around the towns of southern Australia, see Outcasts in White Australia, Chapters 5 to 18. But this was written almost a decade ago, and there have been many studies since then.
that he was Aboriginal: such a decision made special treatment of him necessary by law. Even as recently as 1971, under 'liberal' legislation operative from April 1966, a person in Queensland could be charged in court with being a person with a 'strain of Aboriginal blood', declared to be an 'assisted Aborigine' and then 'assisted' by being ordered to leave his home for one of the rigidly controlled government 'communities'.

The Aboriginal situation is often compared with that of other ethnic minorities in Australia. The significant difference is, of course, that only the Aborigines were colonised and that they bear on their skins the badge of the colonised 'native'. Colonisation was a catastrophe which took from the colonised decisions on the most important matters. They were subjected to special laws. The lawmakers attributed a special incompetence to all those they legislated for. Colonised persons are no longer, in the assumptions on which such laws are based, fully human personalities. The colonists did not really want to know them as individuals; and their descendants inherited these attitudes. This process had begun long ago with the conquest and taking of Aboriginal lands, which the defeated must have been 'too lazy' etc. to 'use properly', too weak, really, to 'look after themselves', and 'too ungrateful' to recognise how well the colonisers have looked after them.

Writing of the colonial relationship in a location far from Australia, Albert Memmi says that the master's picture of the colonised may be internally inconsistent; that their only consistency is that the picture is made up of opinions which as a whole serve his own interests. 'At the basis of the entire construction, one finds a common motive, the coloniser's economic and basic needs, which he substitutes for logic, and which shape and explain each of the traits he assigns to the colonised.'

The predicament of the fringe-dwelling Aboriginal, and his lowly place in Australian society, is a direct consequence of colonisation. The coloniser's view of him is basically that which was shared by colonisers elsewhere. Such dehumanising of the individual makes possible the denial of liberty, on the ground that such a category of persons, sharing such qualities, cannot be trusted with it. White Australian settlers went rather further here than in other lands whose colonisers became in time the overwhelming majority, and the natives a small minority. For here even the freedom of movement was denied to thousands who were shut away on reserves which they could not lawfully leave, on the ground that they were somehow incompetent to live elsewhere.

2 Memmi, The Colonizer, p. 83.
Unlike colonised people who were controlled by a small white minority, Aborigines (like American Indians) have no chance of becoming citizens of a country separate from the colonisers. The mastery of the coloniser, writes Memmi, requires legitimacy, that is recognition and concession by the colonised. "It is not enough for the colonised to be a slave, he must also accept his role . . . One is disfigured into an oppressor, . . . the other, into an oppressed creature, whose development is broken and who compromises by his defeat".3

These days, when many Aborigines are demanding equality with the whites, those who still regard the white man as superior are, American-style, designated 'Uncle Toms'. But the assumption that old-fashioned or formal 'Uncle Toms' act only from self-interest is too shallow. People who see everywhere in the world as they know it a relationship between race and success, and who lack education, may very easily assume that there is an unchanging hierarchy of colour. In the country towns of New South Wales in the 1950s and 1960s, and in the fringe areas around them, many people believed that their skin colour was an affliction visited upon them by God, almost that they somehow deserved the treatment they got from the whites. Many must still do so. Those of light colour often tried to place themselves in a higher class than their darker relatives. Officials 'administering' them commonly talked (to them) of their being of 'high caste' or 'low caste'. Not only had their chance of changing their lives seemed hopeless for many generations, but hopelessness seemed to be confirmed by the sign placed upon them at birth. Although policies have generally changed, too often the habits of administering officials have not—which is enough to maintain anxiety in Aboriginal communities.

Perhaps their major problem is that, having lost most of their traditional organisation, and having been restrained from opportunities to work out their own adaptations and new social controls, they were divided amongst themselves. With the loss of hope any human group tends to disintegrate. A few heroes resist and try to be leaders (men like Tom Patton and William Ferguson in the 1930s, for instance), while for the rest it is every man for himself. Any gesture towards leadership could be distrusted; and so much was this so that the obvious need for some initiative, especially in the 1950s and 1960s, attracted sympathetic whites. In their turn they were distrusted and ridiculed.

It was quite usual ten years ago to find a country town 'blacks' camp' deeply divided within itself—the followers of the Aborigines Inland

3 Ibid, p. 89.
Mission, or the Assemblies of God, or the Four Square Gospel against the ‘heathens’; those on the reserve against those squatting on the town common; those living in town against those in the ‘camp’; with attempts by individual families to break out of the cycle of poverty and wretched living conditions, of distrust, of brawling, of reckless throwing away of life for momentary satisfaction. Such families tried, mainly in ways pathetically ineffective, to be accepted as ‘respectable’ by the whites. Some followed a rigid adherence to a Christian sect as their only hope of acceptance and dignity, after death if not in life. There have always been whites ready to exploit such people, economically and sexually. So for generations the relationship has been one without justice, either within the Aboriginal group, or between it and the white man’s town.

The solution of two related problems, the absence of effective leadership and rules for living together amongst the blacks, and the domination of the blacks as a whole by white men’s interests, must be in part political because it involves changes in relative status. Aborigines now compete for leadership of their groups: and Aboriginal leaders challenge white supremacy just as definitely as colonised New Guineans or Africans have done.

But people may be entrapped in a downward spiral of welfare and respect, and reach a situation so degrading that they reject the notion that any common action may improve their lot. Hopelessness breeds cynicism, and the cynicism looks like apathy to those who, ignorant of the real history, come along with schemes for social improvement. The generalisation which follows is that ‘Aborigines are apathetic, etc.’ So far had social disintegration gone that the father had often lost respect and leadership in the family. The mother often had to take over the economic battle to keep her children alive, and often a demoralised, drunken and ineffective man as well. These tasks limited her vision to the daily household tasks and crises. Child-raising then was conservative in the sense that any hopes of change would be discouraged. The ties of kinship still remained strong, forming links between families scattered over wide regions and offering assistance for those movements essential for employment in seasonal rural work.

Outside interference could not effectively reverse this process of increasing anomie. The Aborigines had to do this for themselves. The crux of what they had to do, I think, was to establish right down here, at the country town ‘grass roots’, small organisations of their own. There had to be leaders whom they trusted, to whom they conceded the right to speak for them, and on occasions and within understood limits, to take
action, even against the interests of some of them, in the interests of all; action which they would accept as legitimate and binding.

This has to be a guess, but from what I have heard from older Aborigines, and from what people like A. P. Elkin have written, the lowest levels in the welfare of these people were experienced during the depression of the 1930s—when it was common, for instance, for the police to remove families from the towns to reserves. One reason seems to have been to make it easier to provide an even lower standard of nutrition than that provided in the white family’s unemployment dole. Such actions (not universal) must have confirmed the distrust and anxieties already well founded; and must still form part of the folklore passed on to children. To the extent that the family is socially isolated with a few others in like circumstances, with the women immersed in routine household work, it is inevitable that cynicism and resentment of whites will be passed on.

For the young, life could offer a limited range of work and other experiences; but there was no Aboriginal structure which could offer a career in return for hard work or ability. The only way into the careers offering in the white community was to look like a white person. When in the 1960s all the boys and girls had been finally admitted to white schools in New South Wales they had to believe that things could be different before they could be interested in working for careers. The whole weight of the evidence they had was that they would remain socially and economically among the outcasts. So Aboriginal school performances were generally poor. They were taken to indicate low intelligence. Thus the evidence of life and the advice of parents was confirmed. Even in 1975, when the beginnings of organisation were emerging on one Aboriginal fringe settlement which I know fairly well, mothers had been driven to organise protests against the treatment of the first few children from their families to attend the town high school—treatment by the other children, but also by some members of the staff.

That much of the preceding paragraphs is in the past tense acknowledges that changes for the better are beginning. The change for the better could have begun some time before the depression. One indication is that populations increased between the censuses of 1921 and 1947. The trend must have been stimulated by the provision in 1941 of child endowment for families living off reserves, and for the reserve

---

4 For the reasons why the figures have to be taken with caution and for past trends generally, see Leonard Broom and F. Lancaster Jones, *A Blanket A Year*, ANU Press, Canberra, 1973, pp. 41-72.
authority in the following year. A regular payment intended to meet the needs of children appears to have made a marked improvement in nutrition for the family as a whole; and this continued with sporadic but progressive extensions of other benefits already enjoyed by whites. Groups near the bigger cities were able to work for full wages in wartime industries, and big city urbanisation in the war years must have made a few families unwilling to return to the pre-war situation.

Perhaps the war had given some stimulus to the well-meaning white townsfolk to look again at the situation of people whose lot had so long been taken for granted. At least, towards the end of the 1950s there were whites interested enough to form local committees to promote Aboriginal advancement. This was a change from the pre-war situation. Jack Horner's biography of William Ferguson, whose base for his political efforts in the 1930s and 1940s was Dubbo, shows how Ferguson and a group of leaders who worked with him could have a national view of the Aboriginal situation. Ferguson could be so optimistic of the rationality and sympathy of the whites as to sit for Parliament in 1949 (only to lose his deposit). There were then, at least in New South Wales and Victoria, a number of Aboriginal leaders and opinion-makers consulted by government ministers, and spending all the time they could afford in visiting the fringe groups and stations, trying to promote Aboriginal protests and to influence majority opinion. Some were members of Aboriginal Welfare Boards and other government organisations set up to manage the Aboriginal 'problem'.

But Horner's study illustrates how limited was the range for action by Aboriginal spokesmen who sought change through legal and constitutional means. Peaceful protests were ignored by most whites; and public opinion was such that a stupid and prejudiced minister could hold the relevant state portfolio, and face no political consequences so long as he maintained the status quo.

Possibly the greatest ideological hindrance to positive policies was the schoolmasterly assumption which had doomed the relationship from the beginning—that the whites were always the teachers, the Aborigines the pupils; and that improvement would come from the training of individual Aborigines to be better citizens—which in practice meant becoming more like the whites. The assimilation policy, first proclaimed in New South Wales, was certainly an advance on earlier assumptions that the way to

6 Horner, *Vote Ferguson for Aboriginal Freedom*, pp. 144 et seq.
deal with the ‘half-caste problem’ was to breed out over a period the unfortunate Aboriginal strain. But it set the white man as a model for Aboriginal striving, and in the very years when Aboriginal leaders like Ferguson, Patten, Nicholls, Onus, Groves and Pearl Gibbs in the east were linking up with others in South and Western Australia; while State and national non-government organisations for Aboriginal advancement were first taking shape. Their failure to achieve more than minor changes led to rejection of the (nonsensical) goal of moving as individuals from the black to the white community. A national Aboriginal political move asserting the value of being Aboriginal became inevitable. This process is now beginning and has reached the point where Aborigines are demanding the initiatives in policy-making. The government rhetoric now excludes the discredited term of ‘assimilation’ associated with efforts to teach individuals to alter their beliefs and habits and to use an idealised white middle class suburbanite as the model.

Institutions for Aboriginal advancement for a decade or more depended heavily on white organisers. That this was a question for white and black was a sensible conclusion. But those who believed that a partnership of this kind could endure ignored the history, the politics and the sociology of the basic situations. The resentment went too deep; and the Aboriginal feeling that they must have organisations of their own was politically inevitable. One stage in this process was to replace with Aborigines the whites holding positions of authority in voluntary protest and improvement organisations.

Support for these movements from fringe-dwellers had always been somewhat tepid. It was inevitable that Aborigines in the capital cities, who had opted for change in quitting the rural areas, would be more active. In this first stage of big city urbanisation there was a good deal of movement between the city and the fringe areas, in itself a process of education likely to suggest the possibility of alternatives to the old hard rural adjustment. Urbanisation had been negligible until World War II when it was often resisted by the officials responsible for Aboriginal ‘welfare’. They assumed that the Aboriginal ‘problem’ was properly a rural one and that the proper employment for Aborigines was on farms and pastoral properties. A pool of casual workers suited the rural employers, for whom the country town fringe area was a convenient point to pick workers up for labour as required, and to return them when no longer needed.

The fringe-dweller is, of necessity, preoccupied with the question of security for himself and his family. But frequently the man has ‘given the
The family breakdowns which occur are typical of a so-called 'culture of poverty' in which the family's security depends on the policies, practices and whims of local representatives of government, and of the local officialdom. Aboriginal political activities have been largely a reaction to what the officials of state and local governments do. They have been the politics of the powerless and the leaderless. Individuals must survive as best they can.

The Aboriginal relationship with the police took shape along the first frontiers, from the use of police, first to subdue Aboriginal resistance, and then to deal with the sporadic Aboriginal violence after the frontiers had swept past. Aborigines turned against Aborigines when the superior power of the whites became obvious. Tensions could be released only against other Aborigines. On many occasions the police had allied themselves with settlers, to the extent of participation in massacres; and in the colonies of New South Wales and Queensland Native Police practice included dispersal of Aboriginal groups with firearms. At the same time the police were the agents of several departments of government, especially those with some relationship with law and order matters. When colonies got round to appointing Protectors of Aborigines, the local protectors were generally police officers. The rural police shared, naturally enough, the views of the local white settlers. In colonial situations the world over, the 'good' officer, in the view of the colonists, was the one who knew when to forget the letter of the law. Officials in colonial district administration who were deemed efficient by the colonists (whose opinions would influence promotion) were those who knew how to deal with natives so as to suit the convenience of employers and landholders. There were certain forms of reporting which glossed over what was really happening. Many Protectors tried to do their duty, but it was more usual for them to become committed to the 'protection' of settler interests. Even the limited protective provisions in Aboriginal Protection and Welfare Acts were often disregarded in any clash of settler and Aboriginal interests.

Perhaps those whose duty is to wield the coercive powers of the political system are in the most difficult position to represent the interests of those most likely to break its laws. But from the earliest times the policeman was the only officer available, and after the end of British colonial administration very little, if any, thought was given to what remained essentially a colonial relationship. Protest was dealt with as a 'law and order' matter, so that time in gaol became an ordinary event in
the life of the Aboriginal man. So far was this true that in the late 1960s many Aborigines believed (and some still do) that arrests and gaoling by rural police are a means of getting cheap gaol labour for the policeman's household. That many police have become accustomed to the use of violence as a *first* resort against Aborigines seems a reasonable conclusion even in 1977, with events as far apart as Redfern and Laverton offering cause for thought.

Those who dwelt on the town reserve, where there was one, and those who were fringe-dwellers off it, were in a somewhat difficult legal situation. All Aborigines (as legally defined) were subject to police supervision under the special restrictive laws. For instance, it was an offence for any Aboriginal to drink alcohol (which was, of course, a direct temptation to drink as much and as quickly as possible). But the police protector might legally, and as a matter of duty, pursue his investigations somewhat further on the reserve. I was in one New South Wales town, in the course of my research some years back, when the case was before the court of an Aboriginal who had been arrested in his own bed, in his (reserve and therefore government-owned and policeman-supervised) house, for being drunk. How many times this had happened earlier would be impossible to say. What made the difference in this case, in 1965, was that a group of white townsmen, one of the first of many such groups symptomatic of changing opinions, had taken up the case and hired a lawyer to defend the accused. The policeman could argue, of course, that he was only doing his duty; that drunkenness anywhere on a reserve was an offence.

All over Australia fringe groups were subject to similar petty tyrannies and harassment. Until there was someone who knew what the law was, and who interested himself in a case of this kind, there would be little if any distinction between reserve land and other land. There had long developed a custom of 'how to handle' Aborigines. And those off the reserves, with few exceptions, were even more vulnerable, since most of them were squatting on town common or other Crown lands. Legally their dwellings could be condemned under local government regulations; and it then became the duty of the police to arrange for their demolition. In 1965 such demolitions could be and were carried out with the added authority of the Aboriginal Welfare Board, on doctrinaire principles based on its interpretation of the policy of 'assimilation'. I once arrived at a fringe settlement just after such a demolition had been made by the simple process of running a truck over a dwelling.
The other doctrine involved was that poor housing is a threat to public health (though clearly the health of the family involved was hardly to be advanced by a move from a poor house to no house). But councils have been using health and building regulations for cosmetic reasons, to get rid of 'unsightly' clusters of houses for a long time—and, if possible, to drive the occupiers to some other local government area. To the victims, the council official seemed an adjunct of the harassing police power; and so did such State officers as the school teacher and the truancy officer. The common lack of concern about education for their children seems inevitable when one remembers that many of the parents had belonged to a generation excluded from the public schools. There was a strongly-held belief that white men's education could do nothing for the dark child.

Behind this array of local officialdom was 'the Board' or 'the Department', the State agency for Aboriginal welfare. Obviously something was wrong for the special government agencies to have held such low reputations amongst Aborigines. In the wider issues involved, the post-war European migrants appear within a few years to have been able to use kindred and others from their own countries as agents and brokers to overcome language and other barriers which hindered access to the bureaucracy. That Aborigines have not managed (perhaps seldom attempted) such means may be attributed to Australia's colonial history.

In the rural areas the full-time representative of the Board or Department worked with representatives of other agencies, including the child welfare authority. One of his most feared powers was that of having the neglected dark child committed to an Aboriginal institution. My own opinion is that sometimes, at least, this power was used as a punishment or revenge against recalcitrant parents.

Every Australian government except the Tasmanian (which went on assuming that there were no Aborigines in Tasmania) gave its authority special powers over children of Aboriginal descent: and this was commonly delegated to untrained, often poorly-educated field officers. As in colonies, such employment tends to attract authoritarian persons. The Queensland law made the Director (earlier the Chief Protector) the legal guardian of all minors, which meant that he could override parental control and take them away. This law was introduced in South and Western Australia and the Northern Territory, where the legislation was strongly influenced by the Queensland pattern. Sporadically elsewhere, but on a wide scale in the Northern Territory, this law was used to justify the taking of part-Aboriginal (or apparently part-Aboriginal) children
from their mothers, to be brought up separately in institutions, mainly in the interests of promoting 'white Australia'. In the Northern Territory part-Aborigines were freed from this tyranny when they were excluded from the legal category of 'ward' (which replaced that of 'Aboriginal') in 1953; and South and Western Australia repealed this provision in the early 1960s. But the legally neglected Aboriginal child could still be sent to a special Aboriginal home, or as in Queensland to a mission. Even in Victoria, where special powers over Aboriginal children had been limited to making special conditions for apprenticeship, Aboriginal parents were probably sensitive to the dangers of losing their children to the welfare officer. In New South Wales, the special homes for Aboriginal boys and girls were maintained until comparatively recently, and are still very clearly remembered.

So to the likelihood of the family being broken up by the arrest and gaoling of the father and the older boys, there was added the further danger of losing the children to an institution—and outside Victoria, to a special one for dark children.

Involved here was one of the many multiple-cause-and-effect relationships. The father was much more likely than any other member of society to be gaoled; his children more likely to be institutionalised, therefore, as 'neglected': and the fear that this would happen led him to violent protest and gaol. Other causes of insecurity included the nature of the family dwelling, the insecurity of tenure, and the high rate of unemployment and uncertainty of dependence on seasonal work to which I have already referred. A shack built of solid materials by a skilled bushman in the bush may provide secure protection against the weather; but one built on Crown land or town common, or private land belonging to someone else, from materials which can be got close to the town for little or nothing may be very insecure indeed. It is easily demolished. The owner has no right to control who enters it. It provides little or no security for belongings, or for the documents which are essential for every bureaucratised social service or for the process of seeking jobs. Thus it is a source of anxiety to those who occupy it; and by offending the aldermanly pride in the appearance of the town, it provokes the hostility of the council. Its shortcomings are a cause for anxiety for the worker who has to leave it to seek employment.

Thus there are many injustices arising from that original injustice which has for so long left most Aboriginal families at the end of the queue for housing in short supply and their applications at the bottom of the pile. To improve his chances the Aboriginal needs better-paid
employment; but so long as he must live like this the chances that he will improve his experience and qualifications are nil; and those of his children little better.

A decade ago the Aborigines Project of the Social Science Research Council collected statistics from a sampling of nearly two hundred Aboriginal families living in the rural areas of New South Wales. The 'worst' areas were avoided, mainly because of the problem for accuracy resulting from the effective 'stirring' by the first Australian 'freedom riders'; and partly so that the results would err on the side of understatement. We found that a dwelling averaged just over half the number of rooms, with just under twice the number of occupants of what the average Australian enjoyed. What we called a 'room' would probably not always have been so optimistically described in the census at that time. The census would have categorised over one-third of these dwellings as 'sheds, huts etc.' which then formed only 1.5 per cent of total Australian dwellings. The precise proportion of homes which we called 'shacks', that is dwellings self or family-built from scrap materials (or partially so, since what looked like scrap iron because of the holes in it had generally been used on previous sites, and would be a basic family possession) was then 36.6 per cent. I remarked then that 'In case it may seem that only small families are living in these shacks, these 36.6 per cent of dwellings ... were occupied by 35.7 per cent of the population ... In drawing the line between the shanty and the tradesman-built house we included any safe and well built construction in the latter category ...'. Much of the scrap used had obviously come from the town tip or similar source.

To my knowledge no similar survey over a number of typical fringe-dwelling areas has been made since then. There has been heavy expenditure on housing; but in a situation of competition for housing and of recent inflation, cost per unit has risen sharply. I do not know whether there has been marked improvement, though government effort has certainly been spectacularly increased over the intervening decade. But from what I have learned many Aboriginal housewives still battle with poor facilities; and many children grow up in houses without books. It would be interesting to know whether the victims of flooding still include a very high proportion of Aborigines living on the low lands inside river bends; and whether the stock sale-yards still occupy higher land in many towns than the Aboriginal shanties. Some day I would like to make another Journey Without Compass round the same areas we visited ten

7 Rowley, Outcasts in White Australia, pp. 317-18.
years ago to see for myself just what differences there are; but the task should be undertaken as soon as possible in another major survey.

The situation could be even worse than it was ten years ago, because of the rate of population increases. For the Report of the National Population Inquiry (the Borrie Report), while conceding that the peak of the Aboriginal population explosion may have passed, warns that 'the momentum of growth still contained in the population by virtue of its very young age structure is still enormous. Even if fertility falls rapidly the population will almost certainly double within the next thirty years, and the bulk of the natural increase will equally certainly occur in the rural reserve communities which have the least capacity to absorb it.' The report notes that on the reserves and the fringe-dwelling areas fewer people than elsewhere live long enough to enjoy their age pensions. From my own earlier observations I would think that this is compensated for by the considerable number who qualify for invalid pensions by the late forties or early fifties, especially of the men. As in Asia, population explosion may be accompanied by a decrease in the average length of life. So the breadwinners have shorter working lives; the number of dependent children per adult earner increases; and average per capita incomes decline. The fear that this process may be counteracting the greater assistance available seems reasonably based. The reports of the Poverty Inquiry managed by Professor Henderson have offered few grounds for high expectations.

But there is a far more alert public opinion about such situations, I think, than there was ten years ago; and most governments have been showing a greater readiness to meet the costs of compensatory policies, essentially attempts to restore the balance, not only for justice to Aborigines, but to bring about a genuine condition of justice for all.

Equality for the Aboriginal, however, involves changes in status, in the order of opportunities, and limitations on the free choice of whites to act in accordance with individual prejudices. Proposals for such changes bring political resistance, the beginnings of which are evident in the white backlash. The local instrument for such resistance, which opponents of change try to manipulate, is the town or shire council, land board, or similar local authority. The development of a National Aboriginal Consultative Committee and of nationally-known leaders and organisations has not decreased the importance of what happens in these local political arenas. The influence of the Aboriginal groups in local

government areas must have been increased where the new policy of stimulating Aboriginal corporate bodies has been effectively applied.

Town aldermen or shire councillors, police and other locally based state officials have so far provided the political and administrative initiatives. Aborigines have responded much like other people under duress—with avoidance, with excessive co-operation or with aggression. Establishment of corporate bodies might produce joint political action to bring pressure to bear on local authorities. In these miniscule political arenas equality and a just balance involves free and equal access by Aborigines to all public town facilities. But no matter what encouragement and special assistance is given by government, voluntary bodies and well disposed people, access involves breaking down racial barriers. This in turn demands united Aboriginal resistance based on effective processes to make decisions, with effective leadership to carry through such decisions into actions which challenge white assumptions of superiority.

For the family with the luck to find jobs and a house in a capital city the solution may be big city urbanisation. But with the housing shortage, and the rate of Aboriginal population growth, this means that others will be moving with yet another generation of children into the fringe-dwellings. Pressures on the fringe areas could even be increasing. The Aboriginal cause has to be advanced right here, in these scattered rural slums throughout Australia; and at a pace which involves an inevitable white backlash. Here, especially, the need for Aboriginal local political organisation is critical.

Until this happens many Aborigines will continue to behave like other people of an unlucky generation, born into the terminal years of any ancient culture. When the principles of a culture are inapplicable and pointless, people may recklessly give themselves up to immediate satisfaction. The late generations of such an era will lack the education which might have refined such abandon. Then drunkenness, violence and fornication lack the justification of a pessimistic philosophy.

For generations the fringe-dwellers have lived in a milieu where things continually 'fall apart'. This began with the first contacts with the white conquerors who looked with contempt upon Aboriginal violence and excessive drunkenness. The stories of Rome in its period of decline might help us here: the reckless orgy accompanies philosophical speculation on the nature of man and the meaning of his life. Anatole France's

description of the feast in *Thais* has captured some of the atmosphere of 
this final decadence. Could it be that in the last days of the complex 
Aboriginal culture, what the conquering whites saw was no more than the 
outer circumstances? And that even some men of high degree, in their 
final reckless abandon to alcohol, in their scrambling for the rejected 
food scraps and artifacts of the white barbarians, were exchanging similar 
speculations about what the purpose of their lives had been, and whether 
their old certainties had been illusions, and their rituals pointless 
absurdities?

Perhaps; but most must have maintained a tenacious adherence to the 
old traditions so long as this was possible. In the later generations this 
tradition in the fringe-dwelling areas of the south had become little more 
than a vague commitment to resistance to whites where possible. The 
lack of any welcome in the white community helped to keep this feeling 
alive and roused anger which could be discharged only against secondary 
objects—other persons and groups in similarly powerless situations. The 
resultant distrust and violence has probably been one reason for that 
continual passing, by those whose appearance favoured such a move, out 
of the Aboriginal community. Only now, with beginnings of political 
organisation, have some of these people ceased to deny their Aboriginal 
descent. But efforts at leadership may still be met by suspicion, and this is 
a very real hindrance to the development of Aboriginal organisations. 
Thus, the council or committee of a government-sponsored housing 
organisation will be accused of housing their own relatives first. The man 
who talks to the town council for the group will be accused of seeking his 
own preferment. And so on. These are the fruits of two centuries of 
catastrophe which has almost obliterated a unique tradition of how 
human beings should live.

Since World War II, during which the shortage of manpower enabled 
Aborigines from rural areas to find work in the larger cities, there has 
been considerable resettlement from country town fringe-dwelling areas 
into the metropolitan cities. Families have moved for many reasons. ‘Pull 
factors’ include reasons of health, of educational opportunities for their 
children, and especially of employment. The main ‘push’ factor has been 
to escape from apparently hopeless situations.

There have been several surveys of this trend. In Sydney, Brisbane, 
Adelaide, Perth, even in Melbourne where the numbers are much 
smaller, it has been extremely difficult to assess the size and spread of 
these growing metropolitan populations. One reason is that resettlement 
is a process of the householder seeking work and housing; it begins as an
experiment. The breadwinner may fail in both, or may be lucky in friends and relatives who will put him up with his family for the trial period. Or the family may all have to return to the shanty town from which they came. They may, and often do, try again. Even where they succeed, there will be friends and relatives at the place which remains ‘home’; and for many reasons there is much coming and going. Another hindrance to counting the metropolitan Aborigines is that movement within the metropolis tends to be rapid. The constant search for housing keeps many on the move. People who may sleep one night in the park, the next with friends, and be searching for work and shelter, whose children may be with city relatives or back home, or spread among other families for a period, are not easy for census takers to deal with.

The overall pattern is of establishing or extending an Aboriginal base (which tends to become an enclave) in the heart of the city, mainly because here are the houses which the whites wish to leave. For lack of adequate reception facilities the newcomers may find themselves carrying on the old feud with the police in the new environment. From this base of poor and overcrowded houses, often occupied by two families or more, many have moved out to suburbs and established themselves as suburban Australians. There are, for instance, probably Aboriginal families in most of the suburbs of Sydney: but nobody really knows how many live in the city. The base in the inner city will remain indefinitely, to be continually renewed and expanded by migration from the country towns. Probably the interchange of ideas in these centres in each State metropolis, where the resentments are no longer frustrated by the frictions of space and distance, stimulate political demands and action. Recently independent demands and requests have been coming from remote areas where groups have had the help of the Aboriginal Legal Service. But the coming and going which is a constant feature of the metropolitan centres of communication will probably do more to produce leaders and to expedite the development of the pan-Aboriginal movement.

The human costs of metropolitan urbanisation are clearly too great. It is one answer to problems found by the Aborigines themselves, and initially resented by the State governments. The costs call for a government reception policy, and subsidisation of facilities on a greater scale. It may well be that Aboriginal urbanisation has some features of urbanisation in the developing countries, so that the more attractive the facilities, the greater the flow into the city. As the numbers are a very small proportion of the metropolitan populations, special attention to
reception, with subsidised housing and employment, are quite possible and might well diminish the rural pressures.

For the lucky, the able, or those with relatives in the city, the new location may offer great advantages. Even ten years ago, those in the cities were more likely to be buying their homes, and less likely to have them continually overcrowded than were those they had left behind in the country towns fringe areas. City life is more impersonal. For the Aboriginal, contempt gives place to indifference if he has money to buy what he wants. It is easier to lose oneself in the crowd, and to escape into the mass distractions offered to all for the ticket or purchase money. In the city centre, especially round the pub or on the park bench, a coloured person may still be the special mark for police arrest; but he is not as defenceless as he was as a fringe-dweller.

His position resembles that of a coloured person in a big city of the United States. Although he has increased the chances of sound education for his children, and of economic advantage for the family, he is still likely to find himself in the old worn-out areas of town. Here in time he may join with other depressed minorities. What the frustration of large depressed groups may mean was demonstrated a few years ago in some American cities. Another common link in such situations is with organised crime—relatively absent in the Aboriginal case. (Aborigines are a curiously gentle and forgiving people, I think, in spite of all the evidence about their traditional stylised violence.) Metropolitan and big town urbanisation is as certainly part of the long-term solution to many Aboriginal problems as it has been for other Australians; but if it occurs under a policy of *laissez-faire*, it has real dangers.

Movement is much more difficult for the Aboriginal family than for others. Without far more thought and care than has been manifested in the government grants to reception centres, this ‘answer’ may simply be a move into situations no less inhuman than the rural fringe-dwelling. If Aboriginal urbanisation approaches a point where it is proportionally comparable with the overall Australian situation, without special measures for reception, there could well be trouble, of a kind new to Australia. But it lags so far behind the average that the main Aboriginal population explosion still occurs in the older reserve and fringe areas dispersed through the Aboriginal archipelago.

The very considerable government expenditures on any of these places must have brought many improvements in material conditions for a proportion of the people in some places—which as it is inadequate, will both offer and defer hopes for the unlucky ones, increase stress within the communities, and raise the local political levels of activity. For such expenditure also increases the white backlash. At the same time shanty town areas appear to have recently been increasing in the areas more distant from the big cities.

The establishment of equality has to occur wherever the Aborigines choose to live. They must have the same access to the town and its facilities as any other citizens. There is a national Racial Discrimination Act which makes it an offence to refuse to dispose of an estate in land to any person, or to treat him less favourably in such disposal 'by reason of the race, colour or national or ethnic origin' of that person. This would seem to override any municipal deals or understandings about real estate which make it hard for Aborigines to gain an interest in town properties, and to move into town. There is of course the more urgent limitation on Aboriginal movement into towns—their almost universal poverty. Government must continue to subsidise and on a larger scale the acquisition of property in town. But if the Queensland Government can refuse transfer to Aborigines of land purchased for them and get away with it, the Act hardly jibes with the political situation. The population increases mean that deferment of expenditure on opening up the towns, if necessary in the teeth of local governments, must lead to increased expenditure in the future. Here is one of the most important arenas for Aboriginal political action. Since 1976 they have had in the Aboriginal Councils and Associations Act a legal framework for approved corporate bodies. The corporate body is a challenge to establish leadership and self-discipline in their own interest. It opens up new areas of choice, and of inter-group co-operation. Organised pressure may be brought against the council of town or shire where needed; organised negotiation where it is not; and some orderly arrangements made with metropolitan Aboriginal organisations for reception of those who would establish themselves in the cities. The challenge is to the determination and ability of Aborigines; and to the humanity and intelligence of other Australians. But at the time of writing, the Act has not been proclaimed.

Racial Discrimination Act 1976, Section 12.
Detained ‘for Their Own Good’: Aboriginal Settlements and Stations

British colonial rule in Australia largely avoided the usual colonial problems by rounding up the colonised and restricting them to certain locations. In many cases, where large numbers were concerned, this required arrangements for their control and administration. Before such arrangements were made prisons were sometimes, as in Tasmania, used as Aboriginal refuges from the settlers. Removal to reserves happened mainly where Aboriginal labour was not required. Had profit depended everywhere on Aboriginal labour there would have been laws protecting the workers and the families which produced them. This would have meant supporting the native communities and protecting their indigenous food supplies within certain areas. It would also have resulted in laws fixing minimum working conditions for them. Had the opportunities for the settlers been mainly agricultural, there would have been little point in taking more land than they could manage or the market justify. But the pastoral industry was exceptionally hungry for land. The Aborigines were not considered useful as workers until the pastoralists had gone into the distant interior and the far north, where some Aborigines were required as workers. But many were not, and it was mainly among these people that missions were established in the second burst of Christian endeavour which began late in the nineteenth century.

In the closely settled areas, individual missions were comparatively short-lived. They depended on land being made available by the colonial governments. It was natural enough, at the time when churches took responsibility for charity and education ‘at home’, that governments should entrust them with this work. But from quite early the colonial governments accepted direct responsibility for Aboriginal institutions. Thus Macquarie established the Aboriginal school at Parramatta. G. A. Robinson took the first group of Tasmanians he had rescued from the
whites to Gun Carriage Island in 1831. Governor Gipps established the Protectorate in the Port Phillip area in 1838.

The early Christian missions, at Lake Macquarie from 1924 and Wellington from 1925, depended largely on government financing, and operated on land made available by government for the (usually short-lived) effort, so that the later trend for the missions to become largely government agencies had roots in the first arrangements. Thus what was happening on the mission stations was not so very different from what happened on those managed by government. Each tended to become a terminal institution. Each was an attempt to rescue Aborigines from the settlers; and this remained true in the remoter regions even at the end of the nineteenth century. The experience of both protectors and missionaries contributed to the idea of 'the passing of the Aborigines' well before the pseudo-Darwinism of the later nineteenth century appeared to verify it.

The one notable exception in the matter of dependence on government was the establishment by Benedictines from Spain of a mission at New Norcia, independently financed from abroad in the tradition of missions to Africa and the Pacific. At one time the main road in the new colony of Western Australia was that joining New Norcia to Perth.

In the remoter areas the missions were able to retain their lands against settler pressures less overwhelming than in the south-east and south-west. What probably saved a few traditional communities from rapid social disintegration was the proclamation of very large Aboriginal reserves and the establishment of missions within them, at the end of the 1920s. From these bases they could act as a stimulus to the conscience of government, and be comparatively safe from settler pressures—at least until the recent discovery of minerals of great value within the reserves.

For the Aboriginal such 'welfare' as he got (more recently referred to by spokesmen for the white backlash as the 'hand-out'), amounting mainly to rations intended to supplement native foods which were no longer available, came mainly from the government. With the decline of Christianity and of the contributions of the churches, and with the general trend to increased secularisation of welfare services, Christian missions became in time agencies for government welfare services and policies, dependent on governments for finance. Their performance of such functions, where the Aborigines were restricted by law to the reserve, gave them very definite control over the lives of the Aboriginal inmates. The trend went further in Queensland than elsewhere, as the mission superintendent there was vested in the same legal authority and
Detained 'for Their Own Good'

magisterial powers as the superintendent of a government Aboriginal settlement.

Most of the small Aboriginal reserves were supervised (part-time) by police protectors. But that managing 'heathens' involved conversion, and that it was a matter for missionaries was widely believed by the whites. The churches carried on enough of this work for the term 'mission' to be commonly used for the small reserves adjacent to the towns—as it still is.

Institutionalisation was never complete in any colony. It was too costly for the priority given by any of the governments to Aboriginal welfare. Moreover, a few Aborigines were required in the workforce. The usual compromise was to locate the small reserve far enough from town for the number of Aboriginal nuisances in the streets to be limited, but close enough for them to be available for work when required. A distance of eight to ten miles was common. The local police protector would enforce 'law and order' by visits. Sometimes the reserve was close in beside the town, generally in an attempt to rationalise a fringe settlement already established: some Aborigines could not and would not be kept away, and the first towns had the first fringe-dwellers. My guess is that about half the Aborigines alive now have inherited generations of accumulated tradition as inmates themselves or from parents who were inmates of these centres of squalor and neglect. Life on each reserve is remembered in folk history, which forms part of the socialisation of the children of today.

Sometimes on a managed government reserve Aborigines learned to compete successfully with the local settlers, as happened in Victoria (at Coranderrk) and southern New South Wales (at Cumeroogunga). But such a community was scattered after a generation or so, for political or doctrinaire reasons, such as the belief that those who had non-Aboriginal 'blood' had no right to the special advantage of staying there. Generally there was no reason other than greed for such enmity from the whites.

Lack of resources and authoritarian managers limited opportunities on most Aboriginal stations and settlements. Malnutrition, disease, resort to forbidden alcohol, disorderly living conditions, violence and lack of access to the general facilities for education, health and economic opportunity restricted and shortened the lives of successive generations. A high proportion developed the classic attitudes and responses of institutionalised communities, and as stated earlier, took them into fringe communities. It seems incredible that only a decade ago some of the cognoscenti of 'Aboriginal affairs' could argue that the Aboriginal could be 'assimilated' and fulfil his assumed desire to be like his persecutors by
a progression from the managed station or town reserve to the town fringe, and from the fringe to the house in town, all under the careful management of the welfare officialdom. This ideal progression produced further fantasies of 'human engineering', like 'staging' the Aboriginal family through 'transitional housing'. The term excused small expenditure on a small house for a large family on the ground that the family must first learn to 'look after' a house which was too small before it might learn how to live in the larger one adequate for its needs. But Aborigines had been hearing this kind of nonsense for a long time. Beneath all that 'apathy' was (and remains) a desperate, tense and volatile people. That governments in the 1950s and 1960s should be concerned at all about their housing was a considerable advance in humanity. But the nonsense which was 'policy' maintained high levels of anger in the fringe areas and on the managed sections and settlements.

The policy of detaining persons for being Aboriginal required a complex of special laws which made the Aboriginal subject to the will of officials. Even today, in Queensland, a high proportion of Aborigines remain 'under the Act'. By the end of World War II these laws formed such a confusing pattern over Australia that this alone would have justified getting rid of them. The process was well on the way in the 1960s; and one result, outside Queensland, was the withdrawal of the special restraints (generally contained in regulations) governing the conduct of persons on reserves.

It was inevitable that in the closely settled regions the bureaucracies would take over management from missions. Six of the nine managed stations in Victoria had been established under church managements. The Victorian missions had all withdrawn by early this century and by the 1960s one station only (Lake Tyers) was supervised by a manager. A very tense place it was, and a centre for the Victorian politics of Aboriginal affairs, with the inmates expressing their protest in sabotage and the frustration of the manager. I remember visiting this place in (I think) 1965. There was a great stir afoot, with the manager accusing an inmate, whose allotted task it was to milk his cow, with having pissed in the milk. I think Erving Goffman would describe this as use of the institution's resources for the pursuit of a secondary object.¹ The manager's shocked surprise was typical of the colonial master, accustomed to insult his houseboy for the edification of guests, who suddenly catches him spitting in the soup. Thus an embattled manage-

ment was still ‘keeping them up to it’, as it had been doing on that spot for over one hundred years. There were only fifty inmates there at the time—probably all quite capable of living there without the officials. But bureaucracy is tenacious.

For a long time in Victoria, and to a lesser extent in New South Wales, the emphasis had not been to keep inmates there, but to keep them from coming back once they had moved out or been expelled. But people who have lived for a century in one place come to regard it as their own. Whatever security a home can give may be sought only there; and their reactions were what one would expect of any group with similar opportunities and experiences. All these institutions and the land they occupy have taken the place in tradition of the old clan country within which they might or might not be located. For the original inmates of these establishments could have been rounded up and subsequently supplemented from many areas. But when I saw this place, the end of authoritarian management was not far off.

In New South Wales at that time (1965) there were just under 2,500 on the fourteen Aboriginal stations (a designation which implied supervision by a resident manager), and 4,000 or so lived on reserves without resident managers. The process of withdrawing managers was to be expedited soon afterwards. The Aborigines Welfare Board had already decided that managers should become welfare workers. Half the stations still had separate schools for Aboriginal children, but this also was a residual situation. The 2,500 persons still formed a substantial proportion of the total State numbers estimated at over 14,000 on the basis of the following year’s census.

One indicator of the level of welfare and opportunity in these places is that in 1965 about 60 per cent of males with dependants on Aboriginal stations were in employment.

In the same year the government of Queensland maintained nine missions and five government-managed settlements, on which lived just under 8,500 people—about 40 per cent of the censused Queensland Aboriginal population. Here they were locked away and governed by administrative decisions based on ‘the Act’ and regulations. The superintendent could require an inmate to hand over any of his possessions

3 Ibid, p. 91.
4 Broom and Jones, A Blanket a Year, p. 43 (Table 4.1).
5 Long, Aboriginal Settlements, p. 88.
6 Ibid., p. 91.
deemed by management to be ‘dangerous’. ‘Any game’ could be prohibited. Mail could be read and confiscated. An inmate could not ‘leave or escape’ without permission. The superintendent could legally sentence an inmate to three weeks in gaol with a further sentence (cumulative) of three weeks. Two years earlier C. M. Tatz had exposed the kinds of sentences received by Aborigines, and the curious legal grounds for them, in these kangaroo courts, and for what offences.\textsuperscript{7} The superintendent appointed the settlement ‘police’, and the gaoler to the settlement gaol. Superintendents of missions had similar powers and in 1966 I saw a mission gaol in Cape York. The absurd restrictions were bad enough in themselves: I have mentioned merely a few examples. But they were being applied in some cases by superintendents without relevant qualifications. The biggest settlement, on Palm Island, was then managed by a man who must have been appointed in the hope that he could make a profit from the Island cattle station.

The organisation had become by the 1960s a monumental bureaucratic stupidity; and was to be changed by a new Act which was gazetted in the following year. The settlement court’s powers were to be made over to Aboriginal Justices of the Peace or to the councils of the ‘communities’—a new term for the old settlements, offering at least semantic reform, and on similar ground an argument that Queensland was about to lead the way in Aboriginal ‘community development’.

The 1966 councils could make by-laws, subject to disallowance by the Director of Aboriginal and Torres Strait Islander Affairs, who also appointed two of the four councillors, could remove them and the other two (who were elected), or could suspend the council. The power of the manager of the ‘community’ remained much as it had been though the terminology was changed. Instead of finding a recalcitrant ‘assisted Aborigine’ guilty and sending him to gaol, he could, by administrative decision, hold him in a ‘dormitory’. The legal supports for tyranny of management remained much as before. Thus for conduct which ‘in any way . . . offends against discipline or good order’ a manager might detain an ‘assisted Aborigine’ at his discretion in a dormitory, providing that at the end of six months the detention be reported to the Director, ‘and thereafter at regular six-monthly intervals during such detention’.\textsuperscript{8} There were penalties for escaping from a community. When this legislation was amended in 1971\textsuperscript{9} the reserves were still closed to persons other than

\textsuperscript{7} C. M. Tatz, Queensland’s Aborigines: Natural Justice and the Rule of Law in Queensland, \textit{Australian Quarterly}, Sept. 1963, pp. 33-49.

\textsuperscript{8} Aborigines and Torres Strait Islanders’ Regulations 1966, Regs. 70(1),(2) and (7).

\textsuperscript{9} Aborigines Act 1971.
officials and persons with permits. Not until a regulation of 1972 were all councillors to be elected.\textsuperscript{10}

The council is responsible to the manager for the ‘conduct, discipline and well-being’ of resident Aborigines, though it has power to make by-laws on municipal-type matters (subject to ministerial approval). Only the minister (no longer the director) may dissolve a council, and only on request from two-thirds of the inmates.\textsuperscript{11} But a major liberating step was taken in the 1971 Act\textsuperscript{12} making residence on a reserve voluntary for those already established there under permit.

For a long time the provisions against ‘escape’ had probably been meaningful only for Palm Island. The other settlements or communities had to be centres for a constant coming and going. But the coming and going had also, through long habit and association, been coming to and going from home. At least there was a comparative safety on the managed reserve and Queensland reserve housing was better than anywhere else in Australia. To some extent the Queensland Government, while retaining tight control by the bureaucracy, had been bowing to the Australian version of the ‘winds of change’. The Whitlam Government, in spite of some rhetoric on Aboriginal affairs in Queensland, had found no way politically to use its constitutional power to override the Queensland laws. But there were other winds of change blowing in the world ‘outside’, including the quite grim shortage of housing, the special shortage of houses for renting and the prejudice which bore with especial severity on Aborigines with the rapid inflation of the mid-1970s. At the same time Aborigines had been in the midst of a population growth which will greatly increase their numbers and needs.

These factors, and the comparatively sound housing to be found on Queensland settlements and communities, should be borne in mind in assessing the new policy of making residence there voluntary. In other States, by this time, reserve lands have been handed over to Aboriginal land trusts. Queensland not only keeps a tight grip on who shall enter, but maintains on its communities a sizable white bureaucracy to carry on the treatment of the blacks—whether they need it or not, since if they are Aboriginal and live there, this is what they get. The situation is a quite

\textsuperscript{10} Amendment to Regulation 18 of the Aborigines Regulations of 1972, gazetted 13 May 1972.

\textsuperscript{11} The Aborigines Regulations 1972, Regs. 18-41.

\textsuperscript{12} Aborigines Act 1971, Section 28.
remarkable example of the tenacity of bureaucracy. The Australian Government has established its own bureaucracy for Aboriginal affairs in Queensland, since the Queensland Government refused to hand over control. So maintenance of the functions of reserve management (the only one highly developed in Queensland) has become vital for preservation of the directorship and of the positions it controls.

I cannot see any early move to hand over control of their own affairs to the Aboriginal 'communities'. Like other colonies, they are 'not ready' for such a step. A recent visit to one of them, reputed to be the best, located on a beautiful beach site with mountain bushlands in the background, brought forth a typical inmate reaction from members of the council. It was also a typical 'anti-colonial' reaction involving complaints of racist discrimination by the white staff. The threat which the bureaucracy now holds over inmates is that if one moves away, one needs a permit to return. (A very common cause for anti-colonial resentment in Papua New Guinea had been control over native movements.) Relocation of a family is generally a matter of trial and return: there is a need for the old base as a support in the new location. So the men, afraid to experiment in movement elsewhere, keep their homes on the settlement. They may go out to work, but their families dare not move away. It is one complaint, which I have heard myself, that educated youths who have acquired the skills to carry out some of the management roles now discharged by whites do not get the opportunity to do so. This sounded very much like something often heard in the last days of colonial rule in Papua New Guinea—that 'localisation' of jobs in the public service was being frustrated by the determination of the whites to hold on to them.

If the laws applicable on these reserves were meant to support and recognise traditional Aboriginal customs, like the Native Regulations in a British colony, there might be a better case for keeping community police and courts. But there is little evidence of such policy, or of any concern about clan or language affiliation. In the past, settlements were located for the convenience of the whites and populated by remnants of many different groups. It is true that the council is empowered in the regulations to so exercise its local government functions as to maintain 'good rule and government . . . in accordance with Aboriginal customs and practices and shall have power to make By-Laws for such good rule and government', and enforce them.13

Was this the early waft of a breeze of change? If so it comes too late. It looks quite out of place among the main provisions of the Act and regulations. Another aberration from old tradition is the recognition in the Act that traditional marriage is to be ‘legitimate’ for certain stated purposes. For instance, the children of such a marriage are now ‘legitimate’, and the surviving partner may inherit. Yet this matter is dealt with in the most insulting way possible, being referred to as ‘consequences of traditional racial union’. The surviving partner or child of the marriage receives the same benefits after death of the other partner as though the union were ‘a lawful marriage’. Perhaps this is a matter of legal drafting. If so, and the drafter can do no better, it might be wise for the director or minister to recognise that he is in the position of a colonial administrator, and to look at some of the earlier cross-cultural legislation for Papua New Guinea.

The Queensland situation indicates how a strongly entrenched bureaucracy has maintained much of the status quo established there at the beginning of the century. Sooner or later the Australian Government will have to act to have the reserves handed over to the present inmates, or persuade the Queensland Government to do so—if not for reasons of equality, humanity and policy, at least to avoid more embarrassment internationally. The South African Government has not yet realised how much propaganda opportunities it has been missing for lack of visits to the Queensland ‘communities’. Praise from such a source would be embarrassing enough; but condemnation could be more so.

Another reason for the maintenance of the Aboriginal institution is in the capital commitment to it. So much has been built for services as well as for shelter, and the demands for even comparable living needs ‘outside’ might be so great that any program of demolition seems out of the question. The most sensible decision is to make over the whole establishment to those Aborigines who will have a use for it for a long time, especially where there may be a strong attachment to the reserve as home.

This mini-empire of linked enclaves has lasted so long partly because it has been supported by powerful (mainly bureaucratic) vested interests. There is that of the public servant whose job depends on the system. There is the officer or politician who enjoys the deference of the ‘native’ which has soothed the egos of so many colonial administrators. The press was focused upon the joyous adulation given to the Premier and high officials on visits to places where they can depend on a welcome; not, it

14 Aborigines Act 1971, Section 49.
seems, from the hard-bitten, more sardonic inmates of Aboriginal settlements but from the more easy-going Torres Strait Islanders. The Aborigines must safeguard claims to their homes; the Islanders to the services from Queensland; and both to social service benefits for which the State Government seems ready enough to take their thanks. The public relations men and the reporters who report these events to the people are occasional visitors. Of the undercurrents we may get a hint from what the non-reserve Aborigines say of those remaining on reserves. Deductions can also be made from the history of legislation so recently amended.

Both suggest a typical closed institutional ‘trusty’ system, within which those who co-operate with the management, for whatever reason, gain certain advantages. At the beginning of this book I compared the Aboriginal communities all over Australia with those of the Gulag Archipelago described by Solzhenitsyn. The Queensland ‘communities’ remain units in a separate social system within the society which supports it, although most of those ‘outside’ are ignorant of it, or avoid contact with it. A further comparison with Gulag (admittedly comparing small with great) is that a ‘trusty’ system of administration has long been a feature of management on the settlements. The trusty, as in a prison, is recruited from the inmates and acquires a stake in the continuity of the system. Under the regulations of 1972 (which liberalised, at least legally, some aspects of the administration) the manager appoints the reserve police in consultation (only) with the council; and the manager alone ‘may promote, disrate, suspend or dismiss any policeman on his reserve or community’.15 He also makes the rules under which they operate, and nominates the gaoler. This not only supports the system, but gives the manager strong powers of patronage.

The management of council elections is not under the independent control of an electoral officer. The management may very easily get rid of a ‘trouble-maker’ from a reserve. The councils may easily be manipulated. The staff who are there to promote health, education, law and order, may as easily be used against a trouble-maker; and the very essence of this kind of situation is that the trusty keeps the management informed.

The trusty supports institutional authority by keeping inmates divided and suspicious of each other. He appears in most autocratic institutions. German concentration camps are said to have used him. Solzhenitsyn says that without him the millions in the Soviet camps would never have

15 The Aborigines Regulations of 1972, Regs. 64, 65 and 66. Also Reg. 56(2).
been contained there. This special feature of the institution has been common (but by no means universal) in every version of it, under every Australian Government. The suspicion which divides the inmates has remained a limiting social and political factor among those who have moved out into fringe-dwelling society.

The trusty collaborator is not so much a traitor as a victim. His rewards include praise from those whom the system in which he is caught holds up as models. His detractors appear in that context as trouble-makers. Add to this the confusion of poorly educated persons with limited, mainly institutional experience, and pressures, both subtle and direct, which a multi-focused administration can bring to bear. There is the chance of employment for his family, educational opportunity for his children, advancement for them and his friends, or the end of harassment; the access to advantageous information; the chance to deal with rivals and enemies. The fear of the outside world may be used to control those who know only that of the settlement, especially in view of the low levels of training for employment there; for the settlement qualification is seldom acceptable for skilled employment outside. There is little to explain, I think, about the effusive welcomes which the officials of DAIA (the Department of Aboriginal and Islanders Affairs), at least according to their P.R. men, enjoy on their visits; and it is easy to convince politicians and others whom they need to impress.

Of the nine mission settlements in Queensland in 1965, four have been taken out of mission control. While this may bring long-term advantages for the missions, which need no longer act as the agents of a somewhat eccentric Caesar, their adherents here passed more directly into the empire of the Department of Aboriginal and Islanders Affairs, henceforth to be referred to as Queensland’s Colony of Daia, within which the colonial rulers seem to be strengthening their defences against social change among the colonised, and against interference from the Australian Government. As recent events at Aurukun have shown, the real business was to be settled between State government, mining company, and (since they can no longer be ignored), the Aborigines concerned. The missions are being phased out of control because they are no longer committed to government policies. At Aurukun the mining operation has been held up, first by increasingly effective Aboriginal political action, then by the finding of the Ombudsman that they had not been properly consulted, and more recently by successful legal action.

Such an awkward hindrance is partly due to the emergence of educated Aborigines, and of an increasingly concerned non-Aboriginal
opinion. The rulers of Daia are caught on the horns of the typical colonial dilemma—education of the young becomes more essential for many reasons, but it produces new threats to the ruling bureaucracy. The challenge of young qualified Aborigines to the whites who hold settlement jobs is one example.

Any considerable change in political and administrative arrangements stimulates others which are not predictable. The bauxite which runs along the west coast of Cape York fell within the largest mission reserves; so that when its value was realised, the government moved as quietly as it could to get rid of the Aborigines and mission from Mapoon, with talk of a New Mapoon at the tip of the Cape. This was resisted; and the last families had to be forcibly removed (over a decade ago). Some, it was decided, had at last arrived at the goal of ‘assimilation’ and were freed to spread the news of their treatment. Almost a decade later, some of those who had been shipped north returned, claiming Mapoon as their home. But the rulers of Daia control much of the economic activity and transport in the Cape York area. Shipping of supplies can be restricted or stopped, and other threats made to bring these trouble-makers to their senses, or force them to move on.

Movement out of the settlement to places which they regard as home areas resembles the epoch-making ‘walk of the Gurindji’ to Wattie Creek, the current moves out from the pastoral properties of the Kimberleys and the establishment of ‘home areas’ out from the central settlements of Yirrkala and Maningrida, in Arnhem Land. If it develops in north Queensland, the Daian officialdom could well lose control, and the natives grow even more restless. I have, in fact, seen official correspondence from Daia to a mission still in control of a settlement, indicating that a movement already under way must be prevented. Another indication, in which I was personally involved, occurred when the Aboriginal Land Fund Commission tried to purchase Archer River Station, in that area, with stock and equipment, for the Aborigines; and its offer was accepted by the owner of the lease. Transfer of the lease was refused by the Queensland Minister for Lands, under a clause in the land legislation which gives him the right to make such a decision without giving cause. When I visited the Lands Administration Commission to find out why, I asked whether some technical error had been made in the purchase process. The answer was no, that the cause had ‘something to do with the policy of the Queensland Government in looking after our Aborigines’. Daia is obviously very influential among the politicians and bureaucrats.
People make political systems; but most of us inherit them, and without understanding or questioning, so that political systems make people. A colonial system involves relationships which de-humanise both parties. The master is blown up in his own mind far beyond all reality, and the servant is belittled in his so that he almost automatically reacts as a dependant. The tragedy is that on both sides most are people of goodwill. Perhaps the biggest stake for the officials in the system is their self-respect. For if a substantial part of one’s life has been devoted to a cause in which one believes, how can one believe that all one’s effort has been pointless or even harmful? The reaction against such doubts supports the colonial illusion that one is preparing ‘our natives’ for independence.

These days the more able officials will tend to leave the service, for which there will be more opportunities than in an overseas dependency. Those not so able or well qualified will tend to remain, so that for them, at least, it seems fair to refer again to Memmi’s analysis of colonial relationships:

It is the mediocre citizens who set the general tone of the colony. They are the true partners of the colonised, for it is the mediocre who are most in need of compensation and of colonial life. It is between them and the colonised that the most typical colonial relationships are created. They will hold on so much more tightly to those relationships, to the colonial system, to their status quo, because their entire colonial existence—they have a presentiment of it—depends thereon. They have wagered everything, and for keeps, on the colony.16

Yet some of the best also will stay on; but will work to change the system from within. No doubt they have played their part, both in government service and on mission stations, in the process of liberalisation which has brought important changes in the last decade. If the entrenched management remains, they will perhaps ally themselves more openly with those Aborigines who are beginning to use political pressures. In Queensland in 1977 such views and action may still bring accusations of communist affiliations.

This Queensland paternalism (to give it a polite name), deeply ingrained in the bureaucracy, began as a reaction against decades of ‘dispersal’ by the Native Police of black assemblies, with firearms, and of routine killings for attacks on whites or their stock. One reason for the change was the reputation the government was acquiring overseas. An immediate practical one was the fierce resistance of the Aborigines of the

16 Memmi, The Colonizer, pp. 50-1.
northern rain forests, which made it cheaper to conciliate and feed them than to use violence only. Probably the killings and dispersals had been more drastic in their effects because they were more systematic than they had been in other Australian colonies, except perhaps in outlying areas of New South Wales. Following a report by Parry Okeden, the Police Commissioner, on what was happening in Cape York, in 1897 the Native Police were disbanded; and in the same year assent was given to the Act on which the whole structure of the Aboriginal settlements was to be built up. If Queensland was not to share the infamy of Tasmania, Aborigines had to be saved by being locked away in institutions.

Such a Christian endeavour could well be handed over to the missions where possible, and the chief missionary became also an official in control, backed by the Act and Regulations. Thus from that first Act, even if they lived on a mission settlement, Queenslanders defined as Aboriginal were subordinated to an institutional officialdom. The staff of settlements and missions was matched by the police protectors for the town reserves, but emphasis in staffing was on whites to manage, teach, supervise, doctor and restrain those on the settlements.

This Queensland example had effects well beyond Queensland; and its principles were embodied in legislation in South Australia, the Northern Territory after 1911, and Western Australia. There were six mission stations established in the first few years of settlement in South Australia. As Fay Gale says, 'Isolation of the Aborigines from white contacts was the method used by missionaries to protect and educate them'. Government rhetoric about the future of Aborigines in South Australia had been most optimistic in expectations expressed about the uplifting effects of white settlers on the natives, but the reality was much the same as elsewhere. The South Australian authorities reacted so pessimistically that there was no protective legislation at all until 1911. The Northern Territory was to go to the new Commonwealth of Australia in that year; and the Territory's first Aboriginal administration was provided for in a South Australian Act of 1910, applicable only to the Territory. It clearly shows the Queensland influence in provisions for isolation on reserves, and protective control of those who move away from reserves into employment. The Act passed in 1911 to apply within South Australia

18 An Act to make provision for the better Protection and Care of the Aboriginal and Half-Caste Inhabitants of the Colony, etc. No. 17 of 1897.
19 Fay Gale, Urban Aborigines, ANU Press, Canberra, 1972, p. 44.
itself was less protective in provisions about employment, apparently because of the influence of landowners which had blocked protective legislation in 1899 and is still entrenched in the Legislative Council. There had been minimal government efforts at protection since a Select Committee had reported in 1860. At the century’s end there were mission stations out in the desert areas; and two long-established ones close to Adelaide—at Port MacLeay and Point Pearce. Outside the mission stations there were limited rations available at a few points of distribution, and little else.

But for the missions, it is improbable that there would have been settled Aboriginal groups within the fertile region by 1911. One result of the new Act of that year was to increase the authority of the Protector; and he was able to take over the missions of Point MacLeay and Point Pearce in 1914. Managing these institutions remained the main function of the Aborigines Department for the next half-century, by which time both had long been typically depressed and overcrowded slum areas, with the usual institutional tensions between management and staff. For a long time the two stations had served the purpose of the village in typical colonial patterns of employment, with the men going out to work on neighbouring farms and in the townships, but not welcome outside in other than economic activities.

The inmates had become accustomed to a separate home of this kind, and their resentment was accompanied by the same anxious attachment to that home that we have noted elsewhere. A new Act of 1962 gave the responsible minister power to prevent a person who had left a reserve from going back there, in a rather crude attempt to promote assimilation. Times were changing, and moves to increase and improve housing there were making both reserves more attractive to people who had left them. By this time the government was developing what had been a mission on the Murray River on a new site, at Gerard. Further out, the missions remained in control. When the government looked for a site for housing for Aborigines coming from the north into Port Augusta, topography and local attitudes, along with over a century of administrative habit, resulted in the construction, on an old mission reserve adjoining the town, of the Davonport Aboriginal Station. This illustrates the social barriers which made it so difficult to get away from the pattern of isolated reserve, town reserve or fringe area, or isolated mission settlement.

But in 1966 there was a major change of policy. The Aboriginal Lands Trust Act provided that reserves be handed over, where Reserve Councils so wished, to an Aboriginal Lands Trust. This, composed of Aborigines,
would decide with the occupants of each reserve how its land be used. The intention to give control of mining on reserves was frustrated by conservative interests in the Legislative Council—the same interests which had rejected humane legislation in 1899. This was the first positive recognition by any Australian Government of Aboriginal land rights. In 1967 legislation enabled the Reserve Councils to take over from managers the right to decide who should be allowed to enter a reserve.20

Ten years ago, the difference between a place like Point Pearce and one like Yarrabah in Queensland would have made small impact during a brief visit. But recently I have been on both. At Point Pearce, a rather short-tempered Aboriginal Council President somewhat unkindly took a white adviser to task in front of me, and showed his authority in other ways (to impress). At Yarrabah, officials, including a policeman, hovered in the distance while as one of a group of visitors (with permits) I listened to typical inmate reactions. Both places are black enclaves; but at Point Pearce many people now stand on their own land and reject all constraint which does not apply to whites. At least there are a few small places where it is the whites who have to worry about their jobs.

Although the people at Point Pearce now enjoy comparative freedom in the face of the bureaucracy, and are dealing with a new kind of government department and with initiatives of their own, their welfare levels are still low. The habits of the institution cannot be easily lost, even when the place where it stood has theoretically been opened up as a village. The housing, the whole layout on the site, the patterns of employment, and above all the attitudes of the neighbouring whites which tend to reinforce the attraction of the old place as home and a refuge in an indifferent world (to say the least), all reinforce the old resentment and the counter-culture of poverty. The residents are not as exposed to hurt and insult as those on the Queensland settlements, or those in the town fringe-dwellings. Yet they also have nowhere to go so long as they remain politically disorganised, and as the white attitudes towards them remain. Their handicaps may even increase, unless a very real priority is given to their needs, because the rural reserve populations are growing more rapidly than any others.21

The most drastically sudden legal change in the rights of Aboriginal inmates occurred in the Northern Territory in 1964. A Social Welfare Ordinance in that year removed a set of legal restrictions on wards, as the

20 Aboriginal Affairs Act Amendment Act 1966-67, Section 3.
full-blood people whose names were so registered were called. Their inmate status had been confirmed in comprehensive legislation in 1953 in which the term ‘ward’ nicely illustrated the paternalism which then dominated welfare thinking. ‘Racism’ not being acceptable, it was cosmetically or semantically avoided by placing the Aboriginal of full descent in the position of the youth under tutelage. Yet this was in line with much advanced thinking (by colonisers) about colonised people in areas being supervised by the Trusteeship Council. The French, for instance, were using the word ‘tutelle’ where the British and Australians used ‘trusteeship’. The ‘native’ labourer was treated partly as an apprentice, to be bound by indentures to his master.

A roll was established in Darwin of the known full-bloods; and they could be sent to live and be detained on the welfare settlements. The roll did not contain those considered not to be full-bloods. Theoretically, and consistently with the new definition, which described those to be enrolled in the new institutions of learning as persons in need of assistance, whites who needed welfare treatment should have been enrolled; that they failed to make the grade was not, at that stage, quoted in any white backlash claims as ‘discrimination in reverse’.

An important by-product of this procedure was that a considerable number of persons of full Aboriginal descent were, in error, not listed. Their escape was due to an effort to get away from categorising persons by the degree of Aboriginal descent, which has until quite recently been central to all Aboriginal legislation. The law was, as it were, cleansed, but the wards remained under even tighter control, for their own education and eventual good, than they had been when defined in racist terms. Those whose names had not been recorded missed forever the chance of becoming wards, because the Territory Legislature later rejected efforts to include them.

Before the war there had been perhaps less interference ‘on the ground’ with the colonial-style free enterprise in the Territory than anywhere else in the outlying areas. The Payne-Fletcher Report of 1937,22 concerned mainly with the cattle industry, had followed one by Bleakley, the Chief Protector of Aborigines for Queensland, eight years earlier. All three experts were from Queensland, then regarded as in the forefront of expertise in both matters. One of the main differences from the situation in Queensland was that there were many more Aborigines estimated to be living outside the missions and the cattle stations.

22 CPP 1937/40, Vol. 3, No. 4, Report of the Board of Inquiry appointed to inquire into the Land and Land Industries of the Northern Territory of Australia, 10 October 1937.
Bleakley estimated 14,000, Payne and Fletcher 10,000—far more than in Queensland, where the activities of the Native Police, followed by the rounding up of Aborigines after the 1897 legislation, had denuded the countryside of 'myall' Aborigines (comparable in much of the thinking of the time with 'cleanskin' cattle, since both lacked the brand of civilisation). Both estimated about 2,500 on the mission stations. The policy of special treatment for half-castes was already well established. The Chief Protector of the Territory had been busy rescuing such children from their parents, to grow up as white Australians under the tuition of the missionaries; and had managed to establish a special wage for them. When the Japanese threatened invasion in 1942, these young mission inmates were taken south; and their experience in both areas helped to produce some of the most outspoken militants in the Aboriginal cause. It also established informal relationships between Aborigines of the north and of the south, which have developed in the direction of a political alliance.

The great investment in the Northern Territory Aboriginal settlements was, curiously, a result of the reforming zeal of Paul Hasluck, the first Minister of the Crown with a real insight into the social issues involved, and a pioneer historian of race relations in Australia. Aborigines during the war had been attracted to army employment, in the hope of acquiring rations and clothing, and to make contact with a type of white man they had seldom seen earlier. Army conditions for Aboriginal employees set new standards. Wages were restricted, in accordance with government policy, but were higher than they had been previously. The armed forces also established a number of rationing and holding camps out from their military installations. There were five of these camps by 1945.

The belief that Aborigines should be kept away from contact with the army and air force was in keeping with the long-held official views about the harmful influences of the towns. The social history of the Territory, with power remaining completely with the whites, probably made separate development inevitable. The alternative of free movement into the towns (equally inevitable in the long run since Aborigines constitute such a large proportion of the population and cannot be kept locked away indefinitely) was rejected on the same grounds as everywhere else.

In the immediate post-war years new government settlements replaced those which had been used by the army, and some rationing depots set up by missions. The process was expedited with funds made available for Aboriginal welfare under Hasluck's administration. By 1965 there were twelve government and thirteen mission settlements. A total
institutionalised population of over 11,000, slightly over half of which was on the missions, surpassed the 8,500 on the nine missions and five government settlements in Queensland. The institutional controls, established in the Welfare Ordinance of 1953, had been comparable with those in Queensland; and the other restrictive practices established in this legislation had formed a contrast with the rhetoric of good intentions with which they were explained. In 1964 legal restraints on Aboriginal citizens were removed in all matters but wages and access to reserves: but people are not free until they know they are free, and these two restraints constituted effective limitations on the freedom of reserve dwellers.

Here especially, generations after such policies had been announced for the first time, was a practical and heavily-funded experiment in changing, by tuition, Aboriginal people into effective citizens of white Australia. Because white Australia was as it was, the tuition for ‘assimilation’ had to be given, not where the white Australians live, but well away from the towns. Therefore the settlements were supposed to become towns where Aborigines would be prepared for assimilation. The same myth was either adopted by the missions, or was forced on them by requirements of the government in return for supporting funds.

The political success of the minister in getting through Cabinet higher budgets for these places than would have been dreamed of by any previous Australian Government, along with commitment to the use of the facilities for ‘assimilation’ produced a situation very difficult to reverse, if only because as in Queensland, a heavy capital investment was involved. The main fallacy, I believe, was in the view that a cultural group can be changed fairly rapidly (in the course of a government program) by concentrating on the ‘education’ of its individual members. Many questions are begged in such an assumption—that the individuals wish to be different, that what they want is to become what their manager-tutors want them to be, and that this can be carried through in closed institutions by public servants. The reality is that the institution develops its own politics; that the inmate reaction is likely to be resentment against management, and more especially so where the object of the exercise is ‘assimilation’ to become more like the coloniser-manager. It is relevant here to recall that the inmates were quite rigidly restricted in their movements.

The experience of all such efforts confirms the view that a human group may change rapidly and retain its continuity and methods of decision-making, provided that it can retain its own social mechanisms for change (or for resisting change, or adapting to it). The change will be
in accordance with its own laws. Concentration on changing *individuals* led to bureaucratic fantasies about ‘indices of assimilation’ with the managers thinking of themselves, in a kind of parody of colonial administration, as ‘social engineers’. The absurdity of the exercise was increased by the fact that a settlement manager had to be a practical field man, knowledgeable about cattle, buildings and ‘paper-work’. With Aboriginal resistance and the location of different language groups on a single settlement, it is not surprising that he was tempted to concentrate on the tasks of maintenance and of order, without more than lip-service to the requirements of policy coming from Canberra and Darwin.

Maintenance jobs (even tasks like hosing the grass) became ‘training’: what began as bona fide training was limited by necessity and by confusion about objectives, to maintenance. As in Queensland there was a great deal of wellmeant teaching effort, by devoted and able persons. The training program for wards was intended to equip them for employment. There was a special wage for the ward much further below the award rates than the Queensland Aboriginal wage.23 When the legislation controlling wards was withdrawn in 1964, the Queensland administration was setting higher standards in housing and employment, partly because the larger effort in the Territory had to be built up from nothing, while Queensland’s effort had, from the beginning of the century, been much more consistent than elsewhere.

Perhaps the major difference in the two situations was that the Northern Territory arrangements had not been hardened by long use. An impression only is that the opinions of officers working on the settlements and elsewhere could more easily be passed up through the Northern Territory system; and my inside information is that this is just what resulted, in 1964, in the withdrawal of most of the restrictive laws relating to Aborigines there. The end of unjust law is one thing; but the knowledge by the former inmates that they are now free to move ‘outside’ is another.

Hasluck ceased to be Minister for Territories at the end of 1963, the portfolio going to a wellmeaning member of the Country Party. Neither he nor his party was likely to be interested in progressive policies. This makes the withdrawal of much of the restrictive legislation, in the Social Welfare Ordinance of 1964, something of a mystery. Hasluck may well have been listening to recommendations from officers in the Territory’s Welfare Branch, who had been discussing such a move for some time, and may have initiated it; or their arguments may have convinced the

23 Wards’ Employment Ordinance 1959, Section 38.
Director of Welfare, and recommendations been placed through the Department of Territories to the new minister, or he may have been influenced by the new interest by scholars in Aboriginal affairs. Young Patrol Officers and Education Officers of the Welfare Branch had for several years been taking courses aimed to develop understanding of the Aboriginal situation at the Australian School of Pacific Administration, and it is possible that these had something of the effect in Aboriginal affairs that similar courses had in what was then the Territory of Papua and New Guinea.

Yet the two restrictions which were retained were more than likely to keep the Welfare Branch's empire intact. One was the Wards' Employment Ordinance, by which wages for wards were fixed administratively by notice in the Northern Territory Gazette. This ensured that the cash to be earned, along with other conditions of employment, on the cattle stations, would not attract men from the settlements. But the Commonwealth Conciliation and Arbitration Commission in 1965 was hearing the case for admission to the award wage for Aborigines; and decided that as from December 1968 all but 'slow workers' on the cattle stations were to receive it. Some time must have elapsed for the implications of this decision to be made known on the settlements, but there were other changes going on apace. One of them was the increasing prospect of great wealth for the pastoral industry of the north, partly as a spin-off from mining, which was being served by the building of new ports; partly from the world demand for beef, with the new beef roads to the ports, and new meat-works. At that time I argued that the need for construction of fencing and other improvements should create new work opportunities for Aborigines. But I was wrong, as the moves over the next few years seem to have been the other way, from cattle stations to the settlements, for reasons already stated.

The other restriction was that the Northern Territory Administration continued to control entry to settlements, which remained subject to permit. This was an effective way of limiting the contact of inmates with new ideas, and was defended by the stated need to protect 'our Aborigines' from unsettling influences so as to allow settlement officialdom to get along with the great training task without interference. The living conditions on some of the newer government settlements were still very bad (far worse than on any Queensland settlement). The first

24 Ibid.
houses were, typically, for the white staff—otherwise there would not have been a staff at all. So the settlement was typical of all those situations represented symbolically in the Aboriginal Embassy—the neat housing for the whites contrasting with the Aboriginal shanties. This situation was probably another reason for the exclusion of white troublemakers; a term which might include research workers (and did) or whites and Aborigines who wished to visit friends.

Both restrictions were promptly removed with the coming to office of the Whitlam Labor Government at the end of 1972, and the establishment of a federal Department of Aboriginal Affairs. In taking over from the States the Australian Government Department inherited, en bloc, the personnel employed in this work by the States (not all gain by any means); although one consequence of the Queensland refusal was that the Commonwealth Department had to 'move in' to that State with its own appointees. The Welfare Branch of the Northern Territory had been heavily staffed in the years of bureaucratic optimism about the effects of guided assimilation; and most of its officers were transferred to the Department of Aboriginal Affairs in December 1972.

By this time millions of dollars had been invested in the settlements. The whole logic of western economic opportunity was that new developments should take place along the lines of communication with the towns and cities. But movement must properly wait for Aboriginal choice; and the directions of this are only now beginning to be discernible. There are many reasons why they should, where possible, indicate preference for their own country. As stated above, a common reaction, in this early stage, is that of the Gurindji—to turn away from the whites and seek cultural restoration and refreshment in the home areas and sacred sites. It is to the credit of the Australian Government that where such a choice was made the small groups received economic and logistic support to establish 'outstations' from the centres of settlement administration. Here some will probably remain for the foreseeable future, seeking to re-establish traditional systems of justice and order. If they remain for a long time dependent on unemployment benefits, this is surely no great compensation for the use of the best parts of their country for cattle-raising.

Others have begun to seek new lives in the towns of the Territory; and any logical integration policy would endeavour to provide for their reception. Just how far such efforts have been successful outside Darwin would be difficult to establish, but the most publicised result of such experiments in change have been the outcries of highly prejudiced whites...
in the townships. A glance at the squalid fringe areas around Alice Springs indicates that a great deal remains to be done. The sentiments of the more prejudiced white townsmen are shared by many of the landed gentry of the Territory, who tend to say a great deal in the Legislative Council.

The new Department of Aboriginal Affairs had a most unfortunate set of initial difficulties, partly through bureaucratic suspicion of expenditures on matters where the returns are in social changes which no one yet has managed to measure; partly through the effects of inflation; partly because of a fairly rapid change of ministers and largely through the effort of digesting, as it were, all but one of the former State departments in just over three years. To these factors add the political resistance channelled into local protests and into the Territory's Legislative Council from what may still be called, with some justice, 'colonial Australia', where many whites can still exploit the blacks with impunity.

Logically, there should be somewhere about equal numbers of Aborigines and others in the towns, with some out in their 'home areas' or outstations, and some on pastoral stations. For only the towns are located on sites offering real economic opportunity. The department has continued the attempt to build socially self-sufficient towns on the settlements. Politically this was probably inevitable; and the settlements will, in time, become home sites for new generations. Thus the small black township may remain (except in Western Australia) characteristic of the Australian 'Deep North'.

In some cases it will bear witness to Aboriginal attachment to that area as part of their true country. But in most its isolation will continue to illustrate the inhumanity of the white Australian myth. Much thought had been given, even before the change of government, to the possibilities of the Territory's settlements. Following the 1967 Referendum there was established the Council for Aboriginal Affairs, an innovating triumvirate of H. C. Coombs, W. E. H. Stanner and Barry Dexter, who became the first Secretary of Aboriginal Affairs when the department was later established by the Labor Government. The council made and published several practical and imaginative studies of needs and possible developments on particular settlements; and the policies were applied after the Department of Aboriginal Affairs was established. In the Northern Territory, of course, policy could not be inhibited by other governments; yet the difficulties inherited there probably presented greater obstacles than those in States other than Queensland.
Settlement councils and other associations have been encouraged and the philosophy of community development through incorporation of Aboriginal communities fostered. The role of the whites on settlements has been officially changed from one of authority to one of advising. Aboriginal experiments in decentralisation have been encouraged. For some years Aborigines have been encouraged to form corporate bodies in an approach to development which is expressed in the Aboriginal Councils and Associations Act 1976. This Act should formally facilitate the transfer of authority from white officials to black councillors. But old habits, and a long-standing power relationship, will be difficult to reverse; and probably involves the removal of some officials and specialists to other areas. Some who have a responsible attitude to their duties will be loth to trust the less efficient former inmates who have to learn their jobs. In 1976 I noted that on one of the large settlements where there has been a council for years, white men still collect the money in the store. Many whites who are really interested in the problems will wish to do all possible to aid the Aborigines to learn the roles and tasks required. But others will not, having nowhere else to go; and this situation will cause the same frustration to the ambitious young Aborigines who consider that they are ‘ready’, as it has done in other decolonisation operations. The legislation is applicable throughout Australia, but will probably be opposed by the Queensland Government, in so far as it will apply to Aborigines anywhere in Australia; and could threaten the Colony of Daia in its heartlands.

Other corporate associations have been established—for housing for instance, and for general development. Such bodies, as well as the councils, have begun to appoint their own, non-bureaucratic, advisers; and receive subsidies to pay them. The colonial-style Patrol Officer has become a Community Adviser; and efforts have been made to change the attitudes of those who most need it.

But the occasional violence, at such places as Yuendemu and Hooker Creek, indicate that white advisers remain objects of resentment. Many will not personally deserve it, but some will retain authoritarian attitudes which were common (but far from universal) in the Welfare Branch.

There have also been moves to ‘open up’ the settlements of the Territory to social and economic opportunity; to allow inmates to become either villagers or travellers—to go ‘home’ where this choice is open to them legally and politically. In most cases it is not, since the leaseholders tend to arrogate to themselves the right to exclude them. If they choose to try their fortunes in towns, they come up against the old barrier
between the fringe settlement and the white man's town. Here in the 'non-town' they meet with people recently driven out of the pastoral leaseholds. It is likely that having now lost some of the skill on which the old nomadic life depended, and in view of the continued barriers to urbanisation, most of those with families will stay on the settlements for a long time. But access to social service payments and to modern transport will increase the rate of movement out, in two directions. Some will go to their country, to the so-called 'home areas' or 'outstations'. In the great reserve of Arnhem Land, the people from Yirrkala and Maningrida (a mission and a government settlement respectively) have been able to choose their locations. Because they retain access to sacred country they have been able to establish 'home areas' for each clan, and some have begun to move between the two lives as economic situations allow and cultural needs require. But many of the young, especially those with higher education, will be drawn to the towns of the Territory, and eventually to the metropolis. The demand for land rights in towns, especially in Alice Springs, is indicative of the pressure for equality there and of the attraction of the cash economy for a much larger group than the ambitious and educated youth. The Land Rights Act 1976 will facilitate the movement back to the sacred areas; but offers nothing for the needs of those who want to go to town. Even the move back to a home area may be frustrated indefinitely by determined holders of cattle station leases. Enforcement of new rights and claims will be difficult because of the great distances involved, and the long-standing power relationship.

An indifferent public opinion means that there are few votes in progressive Aboriginal policies. Moreover the cattlemen have been skilfully supported by their political parties to influence Aborigines to vote for them. Until Aborigines have lost this innocence and use the ballot box in their own interests, most of them who live on the Territory settlements must stay there, or further swell the fringe settlements. The reserve settlement thus presents a dilemma; especially as these are the very situations where the population is increasing most rapidly (see p. 144). Minimal welfare needs will force the government to increase investment on housing and services there; and with each new investment the isolated black settlement becomes more permanent. This kind of problem has been avoided in Western Australia, probably with a corresponding increase in other problems. For in 1950 S. G. Middleton, Commissioner for Native Affairs, with a colonial background from Papua, began a program of closing the settlements down.
Western Australia, like Queensland, has tropical and temperate areas; and in Aboriginal affairs faced the same problem of having to legislate for very different situations. The Aborigines Act of 1905 was on the Queensland model, establishing power in the officials to remove Aborigines from towns and elsewhere (Sections 12-14). They had to be removed to somewhere; and their ‘camps’ in the closely settled south-west were generally established at the minimum legal distance from the town boundary—from eight to ten miles—since they must have access to it for any hope of employment, and for the chance of sustenance of some kind. Here and later on beside the town boundary developed the ‘town reserves’, of wurlies, in time replaced by shanties, served only by the Department of Aborigines and Fisheries until the Aborigines were bureaucratically distinguished from fish in 1911, and by the Department of Aborigines after that.

These places were sources of continual trouble, which was to be expected since the residents had neither country nor a secure place in the workforce. Western Australia had much less to spend on welfare, once the Aboriginal place at the end of the queue for all services had been thus confirmed; and it was further confirmed in many places by successful pressures from white parents to have Aboriginal children expelled from the public schools—pressures not specific to that State, but matched and also successful in some New South Wales towns. This, of course, meant that the Aboriginal child was cut off from the education which his parents had often had.

At Carrolup and Moore River, names which are still associated with shocking living conditions and the harshest of discriminatory controls, larger settlements were established in this south-western region during World War I. Here conditions were even worse than on the town reserves. Something of the conditions may be suggested by the Annual Report for 1940 of the Aboriginal Department, which stated that the cost of staffing and feeding the inmates of Moore River was running at £9 a head per annum. A ‘special representative’ of the *West Australian* described it in 1937, after improvements like a school for the children had been started, as ‘creche, orphanage, relief depot, old men’s home, old women’s home, home for discharged prisoners, home for expatriated savages, for unmarried mothers, for incurables ... and a school for boys and girls’.26 Two years before a Royal Commission had reported on the same institution as a ‘woeful spectacle’; the school ‘compound’ had

26 *West Australian*, 3 August 1937.
bough-shed classrooms and verminous dormitories, shortages of food, and no utensils for eating, so that the children ate with their fingers. As for the ‘camp’, the journalist quoted above commented two years later on the collection of ‘rusty iron, torn bags, shabby men, rheumy crones with spindly children on visits’.

Here were signs of awakening consciences, of a stage in the process possibly reached in Dickens’ time by the benevolent rich about the poor who were always with them. In 1934 the Royal Commissioner was exhorted in evidence to advocate proper living areas for Aborigines with housing, water and sanitation, food and educational services. Mrs M. M. Bennett, giving this advice, said that she was looking at Aborigines ‘simply as human beings’; and was told that ‘We all regard them as human beings. However, humanity is not all on one level plane. You want natives to have things they would not appreciate’. Expenditures might have been less than in the eastern States, at least on a per capita basis, but the inhumanity of this special Australian version of apartheid extended all over the continent. These were the depression years when many in New South Wales were sent to the Aboriginal stations in lieu of receiving the dole.

As in the east, the war brought new opportunities of employment for Aborigines in the towns and the capital, Perth, and a new opportunity to move in one’s own interest. This was one factor which made possible Middleton’s decision later to dispense with the settlements.

Because of the sparse settlement by whites in the north-west, the State had set aside (mostly temporarily) twenty million acres as Aboriginal reserves by 1921. The main reason for this was to have Aborigines under enough control to safeguard cattle running on the open range. But for this purpose, as on earlier frontiers, the gun was more effective; a belief which culminated in the East Kimberley massacre of 1926. In 1910 the government resumed several pastoral leases in the East Kimberley and established the Moola Bulla Aboriginal pastoral station, in order to ‘pacify by feeding’, and in 1911 another one at Violet Valley. The trade unions’ support for this, according to Peter Biskup came from their desire to eliminate competition from Aboriginal labour. Most of the big reserves were set aside as hunting reserves; but were reduced as the

28 West Australian, 20 and 21 March 1934.
29 See Peter Biskup, Not Slaves, Not Citizens, University of Queensland Press, St Lucia, 1973, pp. 103 et seq.
demand for white settlement increased. However, a third cattle station for Aborigines was established at Munja as late as 1926; and in 1937 Western Australia set aside as an Aboriginal reserve six million acres of what appeared then useless country, which has remained part of the great Central Reserve, which extends into South Australia and the Northern Territory.

It might well have been an advantage in the long run that the government did not spend its limited funds on establishing settlements in the Queensland style in these vast areas. The centres of white man's influence, outside the towns and the cattle stations, were the missions, which on the reserves inevitably assumed to themselves temporal power. This, in turn, helped arouse the distrust of the Chief Protector from 1915 to 1940—A. O. Neville. In Western Australia the missions did not act, as in Queensland, as the agents of the government. Neville regarded them as hindrances to his policy of breeding out the Aboriginal strain from part-Aborigines, and of preventing the increase of half-castes, since they did not heed sufficiently his requirement that in accordance with the law his authority should be sought for Aboriginal marriages. There was no considerable commitment, inherited from the time before World War II, to inhibit the decision by Middleton to do away with Aboriginal settlements throughout the State.

Middleton became Commissioner for Native Affairs in 1948. By that time the new idea of 'assimilation' as the answer to the 'problem' was widely held. His decision to wind up the settlements was facilitated by his colonial background, since he could take for granted the co-operation of the missions. The children were transferred to mission care, and the missions became institutions more specialised to their proper functions of piety and charity. Carrolup became a farm school in 1951; and the infamous Moore River was made over to the Methodist Overseas Mission. Before the mission could get there the inmates had fled in all directions in the manner of a gaol break (which it actually was). Some did not linger until they had reached Kalgoorlie.

Middleton's decision was made on the grounds that assimilation could not be achieved through isolation; and he was determined that the towns and their councils should be forced to face up to the situation of Aborigines moving freely where they wished.

Here he had approached the heart of the matter. The Aboriginal could never in his enforced isolation achieve justice (which I think was really in Middleton's mind when he wrote of 'assimilation', just as it was in the mind of the creator of the policy, A. P. Elkin, who was also the person
most influential in Middleton’s appointment). His decision not only made the government and the townsmen, but his own department, face the real question of justice; and his department has been hard-pressed ever since by the problem of the town reserves which seem to the observer to be on the very fringes of the towns. The decision also broke the habit of inmate reactions. As Aborigines came in from the desert, they faced starvation and hardship; but at least from then on, whatever the other forms of injustice, they can no longer be entrapped as inmates of an institution.

The fringe settlements may be increasing in Western Australia, where, as in other States, they are at ‘the end of the road’. But as they increase the Aborigines become politicised in the western political tradition. Inevitably they will press into the country towns as well as into Perth. If this does not happen quickly enough, the tensions now expressed in resort to alcohol and inter-group violence will probably be expressed in inter-racial violence. The steps taken twenty-five years ago mean that there is no way of dodging the issues by what would amount to the development of black towns in Western Australia.

The tragedy for the northern Aborigines was that the Aboriginal cattle stations were sold off, probably on the principle that it was better to be rid of managed settlements. A. O. Neville had taken considerable pride in the cattle stations, resisting every encroachment on the extensive Aboriginal reserves by settlers and miners, though not always successfully. At places like Moola Bulla the clans could live in much their own way and acquire beef from the pastoral management when they needed it. The sale of this place was more than a symbolic turning point for the Aborigines. In the years since, the whole magnificent Kimberley region was turned over to making money for private interests, which have left vast regions so devastated that they have now had to be declared regeneration areas. Another consequence may be seen in the swelling of the fringe settlements round the northern towns.
In most British colonies the Christian mission was the partner of government and of business interests. Colonial domination served the joint interests of government, gain and God. To Christian people 'at home', the missionaries' work justified colonial expansion and control, since conversion to Christianity and 'salvation' would restore the balance against conquest and expropriation. Missionary activities offered soothing reassurance (where the need for any was felt) to the consciences of the planter, recruiter, miner, and pastoralist. European governments were controlled by men of Christian education, long accustomed to justify their actions in power struggles in war and peace as the will of God, from whom kings and their ministers held the 'mandate' to govern. (Today's democratic rulers claim to get their mandates from that other abstraction, 'the people'.)

Divine approval was claimed for conquests which brought Christian education to the heathen, suppressed cannibalism, slavery, and other evils, and directed the 'native' away from his slothful ways to regular work (in European employment).

The Australian missions were far more dependent on governments than those which established, in Africa and the Pacific Islands, the great mission traditions. It was usual in other British colonies for the missionary to challenge, if not to prevent, what he considered injustices of business and government to the native. Since mission funds came largely from the faithful at home the missionary could exert considerable political influence because the home government was sensitive to pressures from religious bodies. The missionary, like the business man, could by-pass the colonial administration with appeals to the home government—something the native could seldom, if ever, do. Had the missions in Australia been more effective there might have been less brutal
exploitation of Aboriginal labour, and less brutal means of extending the pastoral industry.

In the period of colonisation, Europeans exhibited an ethnocentric bias common among adherents of most 'religions of the book'. Each Christian church and sect proclaimed its own dogmatic and exclusive interpretation of the divine message. In many places this resulted in great confusion among the objects of conversion. Often traditional enmities helped to draw the boundaries between the adherents of competing sects, so that if one group adhered to a Protestant sect, its rivals would turn to Catholicism. Competing dogmatism must have stiffened intellectual resistance of Aborigines, who had many other good reasons for rejecting the 'gospel of love' in ways quite different from the responses of Pacific Islanders. The mutual cultural repulsion was such that the more eager saviours of souls were tempted to leave this barren continent, where the seed fell on such stony ground, and go out to the Pacific Islands where people were asking to be 'saved'. Each side was repelled or amused by the other's symbols and rituals.

The Aboriginal conceived himself as part of nature, a sharer of the earth with other living creatures. For the Christian, and especially for the man of the Industrial Revolution, God had made living things for man's use. (Some of the settlers found it convenient to classify the native peoples somewhere between themselves and the beasts.) What appeared heedless cruelty and pointless slaughter of animals shocked Aborigines. The same conflict was involved in the whites' desecration of sacred country.

When in 1836 Charles Darwin watched the Aborigines of King George's Sound dancing the movements of Emu and Kangaroo he could not know that they were expressing the family relationship between man and the animals which he was then in the process of formulating scientifically. The Christian view that the animals had been provided by God for man's use, even to hunt for the joy of killing; and that the world had been created as a home and a place for man to dominate, were to lead to vehement attacks by the church hierarchies on Darwin and his theory of evolution. The missionaries would not be disposed to see or appreciate the Aboriginal view, but rather to deplore it as indicative of a fall from grace bringing the Aborigines to the level of the beasts. And most whites who accepted the theory of evolution found in it a support for their prejudices. They assumed themselves to be the superior species, replacing the Aborigines in a providential process of natural selection and
survival of the fittest. Most missionaries would share the prejudices of their time.

The whites were shocked by a moral code so completely different from their own on the sexual proprieties and property. Having taken all Aboriginal real property they could censure them for apparent disregard of small items of personal property. Both parties had a profoundly meaningful religion, supporting mores which were fundamentally not so very different. It was tragic that neither could understand the other until much too late. The whites saw things from the point of view of the coloniser who assumes the intellectual limitations of the native. What the Aboriginal saw was Christian culture at its worst—in the criminal outcasts from British gaols and in the tough exponents of laissez-faire, greedy for land and wealth.

There was another fundamental conflict in world views: the economically-oriented rationality of the British (attributed by Max Weber to the influence of Puritanism, but explainable as a by-product of industrialisation) clashed with the gift exchange ethic of the Aborigines with its emphasis on generosity. Generosity marks the 'big man' common in non-literate and non-industrial 'folk' societies. British social organisation was largely based on a rational, impersonal discipline through which decisions made in London about Aboriginal lands and lives could be executed in Australia. Marks made on paper within a bureaucracy might mean the difference between life and death thousands of miles away. Generosity as a means of winning influence in face-to-face politics places emphasis on those very attributes of personality which appear erratic and irresponsible in societies organised bureaucratically. The typical character in such societies is the civil servant, the banker, the manager, the worker in industry, who have to measure all things in cash terms. Only pre-industrial societies produced the improvident, exuberant warrior, the spell-binder who revealed new visions of the divine, the big man who used the system of exchanging gifts to win honour and wealth and to provide the great feasts marking the transitions of life. In the struggle for land, in war or in peace, routine overwhelms charisma.

The man of charisma, in the eyes of the professional clergyman, could appear to live an impossibly untidy life. Very early in colonisation, Samuel Marsden could refuse Governor Macquarie's request that he assist in the conversion of Aborigines; and his attitude is reminiscent of that of the solid man of business or the bureaucrat devoted to good management and system when confronted by the necklaced and bearded 'hippie', who refuses to conform to the rules of commerce, industry and
bureaucracy. Aborigines, thought Marsden, had no commerce or industry worthy of the effort involved in Christian conversion, and he preferred to go trading for souls (and wealth) out into the Pacific. Malcolm Ellis writes that 'the Australian Aborigines on Mr. Marsden's doorstep remained among the sons of darkness, their ways unlighted by their official pastor, who ignored them until a sterner policy was adopted towards them'. The early neglect by the Church of England bureaucracy arose partly from its concern with a most unusual type of 'heathen'—the children of the convicts and other members of the lower orders of white society in and around Sydney.

The Christian missions had developed a new kind of efficiency with the Industrial Revolution and the rise of the bureaucracy. In fact they had to become specialised bureaucracies to play a leading role in society at home, and in the systems of order imposed on the colonies. Their organisation was too much like that which so severely oppressed the Aborigines to have much chance to charm them, much less to convert them. Their achievement was predominantly material. Setting out to save souls, their main claim to success was in the saving of Aboriginal lives by providing havens of refuge. So they came to be managers of institutions not much different from the stations and settlements controlled directly by governments.

Yet, as was to be expected, professed and professional Christians had a special interest in bringing justice to Aborigines. In this they were handicapped because their aim in so doing was to change Aboriginal beliefs and so to ensure their salvation. Perhaps the idea that they might save Aboriginal souls could partially satisfy their own need for justice and a proper balance between white and black. The Aboriginal would be paid for his land and livelihood, even for his life, with a place in Heaven. Some Christian sects of largely Aboriginal congregations have continued to emphasise this view of deferred justice. Since there is clearly no justice in this life, there must be in the next; perhaps the last shall there be first and the whites who are first on earth will be last in Heaven. It was mainly in the area of religious imagination that the descendants of the Old People, having lost their Dreaming, could reject white domination; and even this tends to happen in sects not favoured by the white establishment (Aboriginal Inland Mission, Assemblies of God, Four Square Gospel, etc.).

In the battle for Aboriginal souls, the missionaries were up against views of a spiritual universe as strongly held as their own, and not, as were the materially oriented Pacific Island religions, easily challenged by a set of rituals so obviously more productive. They were also handicapped by their own ignorance of this fact. It was not unusual for colonists to live for generations amongst the colonised without ever knowing what they believed; for in the power situation what conversation occurs is about other things, and used more for evasion than revelation by the colonised. The missions could offer nothing more effective for justice on earth than the ‘protection’ of the British law, as though personal and property rights begin (as the law still assumes) with the act of colonisation. No mission protests against illegal acts by whites against blacks could establish real authority in the wake of the first massive deprivation. For the missionary was also a coloniser, the very location of his institution and his claim to manage the inmates supporting the colonial claim to ‘rights’ which favour the conqueror. The heathen would come to a suitable share in ‘rights’ as a useful citizen of the new order.

A mission station was part of the disruptive pattern of white settlement. Its efforts were devoted to a society disintegrating or already in chaos, with its resources being progressively taken over. Instead of the old leisurely movement from one clan location to the next, fewer and fewer places would remain accessible to the Aborigines. The whole nomadic year would be thrown out of kilter, and there would be more and more frantic attempts to adapt by scurrying from one place to another. The children would be the first to drop behind or die; and one service offered by the first missions was a safe place for them, where they were fed and clothed while their parents travelled. The missionaries, of course, would begin to educate and convert these small hostages. Thus began the battle for the minds of children. Some missions even assumed that their duty was to prevent further contact between child and parent. The tragic picture of the parent excluded from the school and dormitory, while the missionaries attempt to re-socialise their children, balances the other one of the devoted missionary who gives his life to saving souls.

The dislocation of the nomadic life I have suggested is not mere deduction. It is confirmed by the most scientific of observers. On his way from Sydney to Bathurst in 1836, Charles Darwin met with Aborigines who wore some clothing and spoke some English.

Their countenances were good-humoured and pleasant; and they appeared far from being such utterly degraded beings as they have usually been represented . . . In tracking animals or men they show
most wonderful sagacity; and I heard several of their remarks which manifested considerable acuteness... It is said that numbers of their children invariably perish from the effects of their wandering life; and as the difficulty of procuring food increases, so must their wandering habits increase; and hence the population, without any apparent deaths from famine, is repressed in a manner extremely sudden...2

Early missionaries complained that when it suited the clans, they would take back their children, bringing their education to an end. As Darwin mentions, alcohol and disease and the destruction of the wild creatures were other factors decimating the blacks. For the survivors who found a final refuge on a mission, their situation would not differ greatly from that on a government settlement. Probably the tensions would be greater because of the pressure for conversion, and the institution’s assumption of control over socialisation of the children.

To most missionaries the Aboriginal seemed not to be the ‘noble savage’ imagined by the philosophers of the Enlightenment. For their first contacts were made with people already in a state of disorder, with the Law breaking down into a period of chaos, into something like the aftermath of defeat in a terrible war. In Australian colonisation there was no attempt to codify indigenous custom or to provide for it in the colonial legal system. There would have been enough evidence available at any time in the two centuries since colonisation, had there been the skill to investigate it, as indeed some missionaries have had, and the will to apply it. But most missionary enterprises set about to control the whole area of Aboriginal conduct. If there was Aboriginal Law, it was of the devil; so that the Aboriginal mission inmate was forced to battle for such integrity as he could retain, or submit to mission rules as well as to secular British law. As in other colonies the missions made no clear distinction between the two for their adherents. The missionary could justify, to himself and his Church, deep interference into the most sacred areas of private life, such as marriage, as part of God’s work. A common problem is that of the wives who must be cast off so that a condition of Christian monogamy makes possible salvation. God has offered no answer to the question of what happens to the rejected.

Although the first missions were refuges for those who had been cast out from their country, or places of detention for those who had been rounded up by government, the missionaries lacked the power to protect those groups whose land was suitable for pastoral activity and close to seaports or markets. This insecurity was shared by the government.

Aboriginal stations. If the land was good on either type of reserve settlement, the settlers got it, or most of it, in the end. The matter was commonly settled in the southern regions by the ‘dying out’ in two or three generations of most of the inmates. A few part-Aborigines who could be cast out as not really Aboriginal when it suited the vested interests would remain in the locality. They inherited all the prejudiced treatment of their black ancestors. Some remained fringe-dwellers on the small town reserve, often still popularly referred to as ‘the mission’.

The contrast with mission histories in Papua New Guinea and other parts of Melanesia and the Pacific (including the Torres Strait Islands) is instructive. In part this is due to the differences in settler land use. In Papua New Guinea and the Islands, copra plantations or mines made comparatively small demands for land. The most important asset was native labour. A continuing labour supply from an adjacent village was a prime asset to the planter, and there was no conflict between the interests of business and government in the enforcement of laws to protect the village up to the point, at least, of sound animal husbandry, allowing formal limits on the numbers of workers to be recruited for full-time work, ensuring return home of the labourers (to propagate the next generation of labourers), and securing the village lands as the economic support for new generations (where they were not too attractive and taken over for plantations, generally through some kind of purchase). The villagers obviously ‘owned’ their garden lands. So the village generally kept its lands and waters, and remained an effective social unit.

The mission would begin its work with one village, often, but by no means always, in an area where there was already a good deal of disruption, and some readiness for change. It generally created from the local vernacular a written language, and extended the boundaries of its influence. In Papua New Guinea, for instance, many missions have extended their influence over thousands of people, linking dozens of villages together, joining up language groups through the medium of one or more ‘mission’ languages, and more recently handing over the control of the individual missions from colonial mission to indigenous church. This is typical of mission development, through which the missions have participated in the general process of westernisation.

Pacific Island missions characteristically were active in various forms of production, mainly of copra and other export crops. From this they gained economic independence additional to what they already enjoyed from the contributions of the faithful at home. Foreign missions had an appeal in Australia and the people who were indifferent to the plight of
the Aborigines were often helping to support them. Some Pacific missions produced the first indigenous clerks and technical trainees for government and for private employers. Such employees were cheaper by far than the imported article; and they did not have to compete with the products of more effective educational systems until the colonial and post-colonial governments moved into educational programs of their own. (What mission to the Aborigines, or government settlement, has ever given a qualification for employment acceptable 'outside'? The land of the mission was safe; and generally purchased from the native owners in the same way as the plantations. There was no need for the government to resume it, and it was in the long-term interest of colonial economics and administration that the mission continue.

The contrast with the Australian situation is clear. The Pacific mission grew with the community it had helped to create. The Aboriginal missions in the south were temporary holding centres for people assumed to be dying out, a process hastened by contact with western patterns of disease, alcohol, and probably mal- and under-nutrition. Aborigines were not subsistence gardeners cultivating their lands. Whereas in the Pacific the missionary was the guest of the community he tried to change, in Australia he was in charge, with his staff, of a kind of religiously oriented home for paupers; and had helped to create the pauperism by occupying part of the land formerly owned by the paupers. A common attitude was expressed by the Bishop of Adelaide in 1860, when most of the people in the mission at Port Lincoln had died: 'I would rather they die as Christians than drag out a miserable existence as heathens. I believe that the race will disappear either way.'

In the Pacific, contact with traders, recruiters, miners, deserters, and other out-runners from industrial society had unsettled the villagers with new hopes and new ideas. They were often associated in the first enterprises in a way that few Aborigines were, since pastoral enterprises required few workers, and most of them could be supplied (until settlement moved into the centre and far north) from the white settlers. The new enterprises in the Pacific required regular supplies of labour, and the returning worker brought unsettling ideas with him. The new goods were coveted, and the missionary seemed to promise in the 'word of life' greater access to them, and more equitable treatment from the whites. The people still had sufficient control of their fates in most

villages to maintain a continuity of their own decisions: their political systems were not shattered as those of the Aborigines were.

The forefront of the mission impact was through indigenous mission helpers, evangelists, pastors, etc. The natives provided most of the martyrs. The occasional killing of a white missionary made news, but deaths of Islander missionaries were far more common. One looks in vain for the enthusiastic Aboriginal convert setting out to carry the word to other Aborigines, at least until the more recent efforts of those sects which have appealed to an oppressed minority which must find justice in another life. Thus the pentecostal sects, which appeal to the need for justice, and make possible its expression by uneducated and bewildered people through 'speaking in tongues' have had a special appeal. Perhaps over the last ten years there has been the beginning of a more sophisticated turning to political protests, a turning created by the possibility of hope for better opportunities on earth.

Those in the Pacific missions probably played a major role in adapting the Christian doctrine to indigenous necessities and epistemologies. Their successors have become the leaders of the new churches. The gap between what the white missionary thought he was teaching, and what the converts believed they had learned, was bridged by their devoted activities, which were in many ways the beginning of an underground political opposition not quite realised by either party. Sometimes the native pastors led the way into what the whites called 'cargo cults', which were motivated by the need for equality and justice.

The Aborigines did not produce such enthusiastic leadership based on acceptance of a new order; and for very good reason. I have not heard of an Aboriginal cargo cult, and probably there was no expectation of great things from promises of any class of white man. The mission was part of the white man's system, not part of an indigenous community. There have, however, been syncretic adaptations between the Gospel and what has remained of the Dreaming after generations of despair. I once heard a speech from an old man from northern New South Wales who told how the Aborigines had descended from the three sons of Abraham, who had sailed into the Clarence River; and how the second coming was at hand, Abraham would return to the same area—'All this affliction is for our experience and to test us'.

The syncretic efforts in the Pacific were to adjust known reality to the new thought so as to share in the newly revealed possibilities. The Aborigines had no grounds for similar optimism. Rather did a few of them, long uncertain about their Dreaming, seek for an area of justice in
the next world, and by their religious activities in this one defy the pervasive authority of the whites. Malcolm Calley tells how amongst the Banjalang (to which group I think the old man belonged) a sect member of the Banjalang Pentecostal faith might defy the Station manager and ‘count on the support of other pentecostals, who see him ... as being persecuted for the sake of Christ [and] ... the manager as a minion of Satan and pray loudly and openly that the devil be cast out of him’.4

Generations of missionaries, moved by the best of motives, spent their lives sowing the seed in Australia’s ‘stony places’.5 The latter part of the nineteenth and the early twentieth century was marked by a second wave of missions out into the far places of the continent, backed by the church hierarchies and bureaucracies—Catholic, Church of England, Methodist, Lutheran, Presbyterian. All were partly supported by the church communities of southern Australia. They received government assistance to varying degrees according to State or Territory. It was usual for a mission to receive permissive occupancy of the land required to provide religious and humane services. There was little, if any, new thinking about their role until very recently. One result was that they were intellectually vulnerable to the government policies of the day, though this is not true of all individual missionaries.

These later missions into the centre and the far north have had a much longer existence, mainly because they were situated where there was far less challenge from the white settlers. They were also founded in the later and more humane period when governments were sporadically interested in developing policies about Aborigines. But even here the role was what it had always been to shelter people who would otherwise have starved. The creation of the big reserves from the late 1920s cushioned a few clans from disaster for a long time. The most notable examples are the clans in the Yirrkala area, serviced by the Methodist Mission, but saved by the creation of the enormous Arnhem Land Reserve. What role Christianity plays in the lives of these people I cannot say. I do know that they are deeply attached to traditional rituals and beliefs which an earlier generation of missionaries, if not this one, would have tried to suppress as rites of the devil. They go about their own business to many places; but

as throughout mission history in Australia one looks in vain for a cadre of indigenous pastors and deacons.

Like the government settlement, the mission variety offered special opportunities to persons of autocratic tendency. Many of them adhered to Christian beliefs and conduct which belonged to a world long past, so that especially in recent decades, there is something pathetically innocent and old-worldly in the converts they have made. But where they operated as centres in large reserves, communities they hoped to serve could retain their traditions and continue to make their own decisions. The possibilities were there for the missions to adapt to a continuing Aboriginal political system. Perhaps some managed to do this but most retained the approach of teacher to child, and in the long run have not established themselves as part of the Aboriginal community.

In 1966 I visited some of the Queensland missions on the western coast of Cape York. As indicated in the preceding chapter, these institutions had been taken into the government system of control. When the Presbyterian hierarchy at first conceded that mining activities should be allowed at Mapoon it did so without consulting the inmates of the mission. The discussions in the organisation appear to have been dominated by the question of what was good for their assimilation. Here was a definite failure to stand for the values of Christianity and justice, and a concession to a government policy of doubtful meaning. By their decision to trust the government and the mining company at Mapoon, and at Weipa later, the mission organisation showed its complete unfitness to handle a political situation. This enabled the mining company, having taken over control of most of the former mission reserve, to judge and reject mission requests and to make the occasional grudging concession, as in the matter of Aboriginal housing at Weipa. But not at Mapoon, which had been forcibly evacuated by the government. Weipa had proved more suitable for the company.6

This illustrated a weakness of Australian mission organisations (partly related to the system of permissive leasehold for mission lands) which has limited their effectiveness as protectors of their flocks. Perhaps too many, like police and other protectors, have shared the white Australian folklore view of Aborigines. There has always been a much greater dependence on governments for capital works funding and for running costs than was typical in the colonial world. Out in the Pacific the

6 A good deal has been written about this. For a start, read Rowley, *The Remote Aborigines*, Chapter 7 and Frank Stevens, *Weipa: the politics of pauperization*, Abschol, Melbourne, 1970.
missions were often the major providers of services like education, health, and even agricultural training, often before there was a colonial government to provide subsidies. The missionary often preceded the government official into a frontier region. There the villagers fed the missionary. Here the missionary had to find funds to feed the Aboriginal dependant; and there was no great flow of generosity from the public at large for this, even through the churches, so that rations had to come from government sources.

In colonies it was common for a mission to be supported by a community located outside the colonising country. Thus some of the early missionaries in Papua were French, and the Order of the Sacred Heart still has commitments to its mission there. This independence of decision on the initial effort, with foreign recruitment and often foreign financing, gave a certain freedom that was generally lacking in Australia. One noted exception, at least for a long time, has been the Benedictine Mission at New Norcia, north of Perth, an enterprise of the Spanish branch of that Order. Such an organisation had for support both long political experience, and its place in a world wide organisation of power and prestige. New Norcia was, I think, the only mission to be sited on land it had purchased. Even then the purchase was from the colonial government not, as in the Pacific area, from the indigenous people. Other ‘foreign’ missions operated on government leases.

The influence of the religious bodies in Australia is still considerable enough for governments to be careful in dealing with them. But in 1966 the Presbyterians managing the Queensland missions for the government as well as for the people in them were caught, as it were, with their ecclesiastical pants down by tough government and business.

It was Jeremy Long, my companion on the visit to missions on Cape York, who taught me never to visit a mission settlement without at least one attendance at divine service—there was too much to be learned from it. At the Aurukun daily service the choir of lads and girls was dressed in the lap-lap (sarong), the girls modestly covering the upper part of the body and the boys topless. This was not the dress common to the settlement, where the families of these children dressed in western style. The colours, I was told, were the ‘regimental colours’ of a previous mission superintendent. This was a minor example of the authoritarian control until that time common on mission stations. One could understand why it had not occurred to the mission body to consult the people most concerned about the proposal to grant a mining lease. This imposition of a managerial whim on the dress of youths and girls was
indicative of a whole range of institutional interference with the lives of
the people. These young people were confined to the mission ‘dormitories’ to be educated apart from their families.

Such autocracy was not unique to Queensland nor to the Presbyterians. In 1967, for instance, the Federal Council for Aboriginal Affairs was alleging that eight floggings had been carried out on the Lutheran mission at Hope Vale.\(^7\) Six years before there was a case of flogging of a man and a girl there, allegedly by the superintendent. The minister responsible for Aboriginal Affairs stated that the ‘caning’ was administered by ‘tribal elders’. This had to be nonsense except as a good example of the working of the ‘trusty’ system on the Queensland settlements.\(^8\)

Such incidents, which must have occurred (and did) wherever anxious well-meaning authoritarians dominated these (and the government managed) settlements, reveal the tensions and stress shared by the inmates with the management. I have known as students many persons concerned in the management of the settlements of the Northern Territory; and have no doubt from their reports that this stress was producing strife within each group, of the management as well as of the inmates.

The young people I saw in church at Aurukun exemplified a policy shared by government and missions from the very earliest efforts in Aboriginal education. This was that it should be concentrated on the children of school age according to the western tradition. We now know the fallacy of assuming that earlier socialisation can be discounted, or that somehow an institution managed by a small white bureaucracy can fill the place of the parents and the extended family. Many mission bodies and missionaries felt justified in separating Aboriginal children from their parents. The handing on of the cultural tradition, assumed by ignorant sectarians to be of the devil, was deliberately and cruelly prevented. All could be justified by the bringing of one more soul to Jesus. Concern for the souls of other people and how they should be saved has been, and remains, one of the major causes of inhumanity in western cultures. One of the pace-setters in this development was George Taplin, who in 1859 founded Point Macleay Mission; but there were many others before and after him.\(^9\)

\(^7\) *Australian*. Sydney. 6 September 1967.
Similar practices by governments have enabled unscrupulous officials to use the threats of taking children from parents, to be charged as 'neglected'. The missionaries' determination to promote Christian monogamy and marriage explains why even in the 1960s girls on some mission stations would be kept in lock-up dormitories until marriage; and the power of the missionary could be asserted in choosing a good Christian husband. The boys might be kept in the boys' dormitory in Queensland after the end of primary education, or might go out into employment on the mission or on neighbouring pastoral stations. In Queensland the practice was also used on the government settlements. At Palm Island one might see the unmarried girls' dormitory, the boys' dormitory, and the unmarried mothers' dormitory in the same area.

It is not easy to find out just when these practices became vestigial in the mission administration and, of course, they were never universal. But outside of Queensland the coup de grâce to what remained of this extreme authoritarianism probably came through the opening up of settlements in the 1960s, and especially under the stimulus given to the process from 1972.

In Queensland the government, by including the mission administrations within its own bureaucratic system, could exert effective control and restraint on religious zeal; but this probably tended to more extreme authoritarianism where the mission superintendent was so disposed. When the government set up its Aboriginal Councils, it extended the system to the mission settlements. No matter how far this was permeated with the trusty system, it was a potential limit on autocracy and still offers hope.

In most of the distant colonial regions the handing over of Aboriginal groups to the missions was a way for governments to save money, since part of the cost would be met by the church organisations. Such devolution of control of its citizens by a State to a religious sect, which inevitably exerted power it would never be trusted with over the whites, was of the essence of colonial administration. It was completely obsolete; and its retention in the remote areas is an indication of how strong were the colonial attitudes of the whites. The missionaries wielded, whether they wished it or not, de facto powers as great as if they were in an African country or Papua New Guinea before independence. In the Northern Territory during the 1950s and 1960s there were mission-administration conferences; and the records of these indicate the classic
conflicts of the two interests, which reproduced in colonies the older conflicts between church and state in Europe. But as the contributions from the members of churches had been falling off, and as increased expenditure on health and for education were required by the government (a process greatly expedited after Hasluck became Minister for Territories) the missions became more and more dependent on government finances—for education, health and other activities. Partly for administrative reasons, but mainly to finance their operations, they interposed themselves between the government and the old age pensioner or other recipient of social service benefits. The mission was classed as a charitable institution (like an old person’s home), receiving the whole pension, and passing on what it considered proper to the Aboriginal pensioner as spending money. The fallacy was, of course, that the Aboriginal was likely to be quite competent to make his own decisions about how he wished to spend his money. But since a pastoral company or leaseholder could be allowed by government to receive and manage the pensions of Aborigines who lived on the pastoral lease, it would have been difficult to question the right of the mission to do so.

Inevitably then, the missions adopted the role of government agencies. This process began while the tone of Aboriginal administration was dominated by the notion of welfare for pauper clients; and missions probably showed more charity than the secular bodies in the same operation. The conflict of motive between Christian charity and secularisation, which transforms charity to welfare benefits, was increased when the government began to ask for details of expenditure, necessitating further finance in order to maintain the mission accounts in an acceptable fashion. (Sometimes this further expenditure led to a special subsidy, to enable a mission to keep the necessary accounts.) As the policy of assimilation was pressed more and more, it seems to have partly come to replace in emphasis the basic aim of conversion. One reason was that resistance to conversion remained. Even where the inmates paid lip-service to the mission doctrine, they retained where possible their own beliefs and rituals.

The Northern Territory, as we have seen, was for a decade the laboratory for expedited assimilation, and much money, by any previous standards, was spent on all the settlements there, including the missions; and was spent primarily for the achievement of government aims. The mission bodies there, in the first impact of mining on the Aboriginal reserves where they operated, were probably no more alert politically in defence of their people than those in Cape York and were even more
dependent on government for money. Thus the Methodist Mission organisation, when the pressure came for mining at Yirrkala, adopted much the same co-operative stance as the Presbyterians in Cape York. It was fortunate that the local missionary did not, and his actions in stimulating Aboriginal protests helped to make this a test case. That this could happen is an indication that a missionary in charge retained a potential independence of action. But so did a courageous superintendent of a Welfare Branch settlement. It was one such whose sympathetic help assisted the Gurindji. The Welfare Branch had prepared a settlement site to contain them (and the problem they had raised by walking off the Wave Hill cattle station). The superintendent supported their move out to Wattie Creek.

Thus the mission settlement inevitably became much like the government settlement. This tendency of institutions to merge indicates how, irrespective of the aims of those who plan them, they are shaped by the needs of the situation and the actions of those who use them. Just as an education system reflects the aims of the teachers, the students and their parents, so the missions and the settlements reflected those of the managers and the inmates as well as government or mission policy. Both exhibited the tensions and limitations of the closed isolated institution where the staff dominate the clients. Over the last decade we have seen the increasing politicisation of Aboriginal affairs, coalescing in the demand for land rights. Over a decade ago a few mission leaders saw that their real hope for salvation of souls lay not in managing closed institutions, but in pressing for the handing over of material assets of the settlement to the inhabitants. But most were slow to adapt to the new political situation, and have been, as it were, by-passed by the new developments. The changes have raised new problems of transition, since the missionary may no longer rid himself of the black sheep by expelling him from the community—a punishment which was common in Aboriginal clan tradition. The trend is probably for the mission to abdicate from control as the secular advisers come in as into other settlements, and for him to concentrate with his assistants on good works and on church activities. While in Papua New Guinea most of the new church leaders are indigenous, Aborigines in this work remain few.

The legislation to establish Aboriginal Councils and Associations involves incorporation of elected councils of mission and other communities all over Australia. The Australian Government already subsidises housing and other associations for economic and cultural activities throughout the continent. This development was given real
impetus by the Labor Government: after being brought into some question by the reduction of funds in 1976, it seems likely at least to be funded for moderate development. The mission seems likely to become a village, mainly of Aborigines. There will remain in most a small Christian congregation, with its church. But he will be a fortunate clergyman who, after all that has happened in any of these places, is thought of by the Aboriginal community as its proper champion in matters of justice. There will be some, but not many. Perhaps the ground has been stony; but perhaps the sowers have been using the wrong seed.

In an increasingly secular nation, and with freedom for Aboriginal movement, the missionary has become an anachronism. Inevitably he is being transformed into village priest or pastor, as surely as the mission, typical of colonial rule as the plantation and native labour, is being phased out of remote Australia.
Secular Institutions
for Justice

For a long time before the colonisation of Australia, British law, while retaining the principles of even handed justice, had become for its interpretation and application something of a monopoly of the legal profession. The lawyers were especially interested in dealing with criminals and with the control and distribution of property. Among crimes most seriously regarded, and after 1788 likely to bring a sentence of transportation to Australia, were those which distributed property illegally—by violence or theft (including poaching). When property was taken from ‘natives’ this would have been a re-distribution by violence or theft but for the annexation of New South Wales to the Crown. Annexation excluded Aboriginal property rights from the protection of British law.

When it suited the British Government and its Australian institutions Aborigines remained subject to this law. Their occasional violent resistance broke the law, and they were then dealt with as British subjects. For otherwise a state of war would have had to be recognised, and this would have had awkward consequences. At some stage for instance there would have to be a settlement by treaty legally recognised and enforced. Treaties would have to include property settlements between the two parties. But the 1976 Land Rights Act is the first step ever taken in this direction. As British subjects the property of Aborigines should logically have been protected. But although they were victims of violence and theft it was not. It was even argued that they were merely wanderers over the land with no claim to it.

In Aboriginal law rights to land were regulated by the kinship system. Marriage was a means of modifying and distributing these rights as between socio-political groups. When the tribes and clans were pauperised by a stronger power, much of this law lost its purpose. British law ignored the fact of collective ownership, not because this was
unknown in British experience, but because the Aborigines were unable to force the British into treaties. The law was applied as government policy required. Aboriginal paupers could not afford lawyers, and the lawyers and their clients were interested in other things—such as allocating and redistributing land among the whites. Whether it happened to be occupied by blacks had no effect. Principles of equity applied mainly as between whites.

Yet the criminal courts assumed that Aborigines shared the duties of the whites, although for a long time they could not even be heard in evidence, since a non-Christian could not take the oath.

As noted, almost two centuries passed before a group of Aborigines formally initiated a major civil action (in Milirrpum v. Nabalco Pty Ltd, 1971, 17 F.L.R. 141) over Yirrkala lands. During that time the whites had been taking possession of land, and for much of it killing its former owners. The legal basis for the take-over has been that original unilateral declaration without discussion, treaty or recognised conquest, that Australian land belongs to the Crown. Aboriginal resistance was regarded as a threat to law and order, and dealt with as an offence under British criminal law.

Little wonder then, that the civil courts were practically unknown to the Aborigines. For an Aboriginal to sue another person, white or black, has been almost unknown, and would probably have remained so but for the very recent development of interest by some whites in the growing gap between the races, a better informed concern on the part of some Christian missionaries, and the appearance of a small Aboriginal educated élite. Another factor has been the recent establishment of the Aboriginal Legal Service, although this body has been forced to concentrate mainly on defending Aborigines in the criminal courts.

In some British African colonies trained indigenous lawyers became so numerous that litigation was almost a major industry. The first generation of these lawyers was educated in Britain. By contrast, in Australia in 1976 higher education of any kind is a very rare experience for Aborigines. Only now are a few of the young people committed to legal training. There can be no more important contribution to Aboriginal bargaining power and political effectiveness than a group of trained Aboriginal lawyers. In some of the southern states of the U.S.A. the lawyers' organisations have been supporting professional training of black lawyers. The case for this is that the black lawyer is more likely than another to commit his career to furthering his people's cause, more likely
to have their confidence and therefore to represent them more effectively. One should here pay tribute to the achievements of those white Australian lawyers who pioneered the first voluntary Aboriginal legal service. (This of course is a most recent innovation.) But without Aboriginal lawyers, the likelihood of violent protest increases, since there will remain a deep suspicion of all members of the white man's court.

An interesting indication that many Aborigines do not see the court system as a means of protection occurred in 1976 in Western Australia. A white man had wounded an Aboriginal man with a shot in the back. When he was acquitted by a jury of his peers he was reported in the press to have claimed that he would do it again. The circumstances were suggestive of those kangaroo courts which used to operate in such cases. The injured man, perhaps not very clear what the proceedings were about, but obviously expecting nothing from the court, was allowed to absent himself from the case (in Wyndham) although one would have expected him to be regarded as a key witness. So far as I have heard no one has raised the question as to whether the black man should or could sue his attacker for damages. Perhaps had there been an Aboriginal lawyer to advise him there could have been such a civil action. Perhaps there could still be one. If there is it will be a rare, if not unique occurrence, since civil actions of any kind are so rarely taken by or on behalf of Aborigines. Perhaps it is even more rarely used against Aborigines, because damages must be paid in money and it is not profitable to sue people who have none. This, by the way, is one reason for the temptation to violence by exasperated whites.

Pauperisation of Aborigines played an important part in keeping them away from the civil jurisdiction. They knew the criminal courts very well because these have been used to try them from the earliest times; as Hasluck pointed out, largely as a means of consigning Aborigines to gaol. Civil courts were irrelevant partly because of the absurdity of providing representation for Aborigines threatened with expropriation while the civil law was assuming such expropriation as the basis for all subsequent land ownership. Insofar as courts were concerned with property rights few Aborigines have obtained interests to be advanced or defended before them. Their only asset of any interest to the whites was their labour.

What a difference there could have been had there been treaties which vested reserves, no matter how limited these were, in clans and tribes. A treaty could provide the legal basis for protection in and by the courts of

1 West Australian, 10 August and 12 August 1976.
stated rights. Instead, the reserves were vested in particular government departments or church bodies for use in Aboriginal welfare. It was the governments which made it easy for surrounding settlers to take over these reserves, sometimes with valuable improvements built by the Aborigines. Much later it remained easy for the international mining company to make a deal with the State or Federal Government to lease all or part of an Aboriginal reserve. The way was made so easy for mining companies that one lawyer used to dealing which involved indigenous land rights in America and elsewhere commented in some astonishment that the Aborigines had no lawyers to represent them. It was quite dishonest for a government to treat the Christian mission as ‘representing’ the Aborigines in such negotiations about mining leases on Aboriginal reserves. Yet for Aboriginal rights to be argued in court, Aborigines must have some claims recognised or established in law. It was convenient to assume that the only rights they could claim were for charity, and to be represented by the missionary or government department as the dispenser of charity. Cash payments for the land, if any, could be made to a mission organisation as compensation, so that it could continue its good works somewhere else.

People who do not have property are seldom seen in the civil courts, and those least likely to have property are Aborigines. Now, however, they have corporate organisations, formally established or to be established under a 1976 Act. Such corporations will be vested in property and will be involved in sophisticated legal actions. One would expect that in more and more sophisticated ways Aborigines will demand legal compensation, especially by return of some property. Inevitably this had to lead to a political decision embodied in a statute. The Land Rights Act 1976 for the Northern Territory is a first concession, initiated by one political party while in government, and with its teeth largely drawn by another. For all that it is a most significant step. Public opinion has slowly been changing, and opinion governing Aboriginal land rights has supporters on both sides of the Australian Parliament. The need for it became clear when other Australians began to regard Aborigines as fellow Australians.

Colonisation of a pre-bureaucratic people by a nation with sophisticated bureaucracy made possible establishment of court systems among them, with administrative support, to apply the principle of equality before the law. In the rarified atmosphere of court or government office it was assumed that Aborigines benefited from this principle, though in practice they were at risk both to life and property. In practice economic
gain for whites had a higher priority than the law. To this extent British law was applied in ways contrary to general British principle and practice. Colonial settlement here and elsewhere required control of indigenous land and labour. Commonly in British colonies there was careful legislation which it was hoped would ensure indigenous cooperation both in work and in making land available. There is much less trouble where the former owner is compensated and where the worker is willing. That British administration preceded the Australian in Papua was one reason why land was purchased there from native occupiers, though to be sure ‘purchase’ was often a farcical process. There was much more careful attention given to protection of the indigenous worker than in Australia. Before World War I a major company in Papua had been sued by government and fined for failure to maintain proper standards of labour employment.

In 1968 the Commonwealth Conciliation and Arbitration Commission decided that Aborigines should be paid the award wage if they worked in the pastoral industry. (The decision did not include female workers.) This decision was later applied in other parts of Australia. The employers’ defence, typically, is that the workers are in some special way immature or unready. The pastoral employers tried to show that a lower wage for Aborigines was not really an anomaly. Their counsel argued that the ‘slow worker’ provision of the award (which enabled physically handicapped persons to be paid less and so remain in employment) should be so adapted as to enable a class of Aborigines defined as culturally handicapped to be employed at below the award rate. As the statement by the Northern Territory Cattle Producers Council said ‘the employers have no intention of applying these categories to any white worker’.2 Thus they proposed that the court accept a further anomaly. In fact the Commission did report sympathetically in favour of extending the slow worker category. But this was due to its fear that granting the award wage would lead to large-scale expulsions of workers from the station properties. Had the history of this situation been more fairly represented to the court such nonsense would probably have been disposed of as it deserved, but so little work had been done by historians or lawyers in this area that the court remained in ignorance of facts which were vital for a just decision.

One of the confusing factors had been the development of special separate laws and services for Aborigines. In 1950 there had been an

2 Conciliation and Arbitration Act, Case No. 830, 1965, Submissions on behalf of the Northern Territory Cattle Producer’s Council, pp. 132-4.
application to have Aborigines of the Northern Territory obtain the pastoral industry award rates. The Commission in this earlier case refused the application on the ground that it lacked the power to fix rates "as this is a matter covered by regulations under a Northern Territory Ordinance." The Commission certainly had the power, but the existence of a special Administration and set of laws applicable only to Aborigines seems to have confused the Commissioner concerned. More significant was the social atmosphere of an earlier decade. For like a parliament or a bureaucracy a court system will share to some extent the prejudices of the society to which it belongs. Just how deeply beliefs about Aborigines are still held in parts of the court system has been established by Elizabeth Eggleston's brilliant study.

In 1975 the Australian Parliament passed the Racial Discrimination Act. This enables a victim of discrimination on grounds of race, colour, ethnic or national affiliation to apply to a Commissioner for Community Relations to conciliate, and to sue in the courts if this does not bring relief. This would offer more hope if two assumptions of our political system were more applicable. The first is that rich and poor have equal access to the courts. The second is that the individual has a basically competitive relationship with other citizens, and a direct relationship to and line of communication with the government; that the proper function of government is to maintain a just balance and that its predominant concern is to restore that balance when one person takes advantage of another (or of the government) by breaking the rules.

This may work as a lawyer's professional view of society, but few lawyers would deny that the reality is far more complex. An alienated group may be preoccupied with avoiding the injustice of the majority and of the white man's government. It may reject its authority as far as possible. Its members may feel justified in using such resources as can be gained from government for their own purposes, as with money spent on alcohol to escape from depressing conditions arising from absence of equality. The liberal-legal view overlooks the loyalty of the person to a particular group whose interest mayloom larger than the theoretical public interest. There is abundant evidence that industrial society is divided into pressure groups whose interests conflict. The laws are themselves partly the product of this conflict. Those with weak organisation or small numbers, negligible in power terms, are always

3 Conciliation and Arbitration Act, Case No. 397 of 1950, p. 2.
4 Fear, Favour or Affection.
likely to be overlooked. Racial minorities are in such a situation. Black power movements attempt to restore the balance.

The assumption of equal opportunity for all in competition could never fit a colonial situation. The conquered society retains its own rules. Colonial administrators included special regulations in their own legal system which recognised the right of the colonised to live according to these rules where they did not hinder the economic and moral purposes of the colonisers. Actions 'repugnant to humanity' were to be prohibited even if they were traditional in indigenous society. Indigenous workers had lower wages and worse working conditions than the colonisers. Yet substantially in their own places and away from the imposed economy and polity, they could live according to their own rules. Where there were disputes an appeal was generally possible from the traditional settlement to the imposed court (which of course undermined traditional authority). The colonial courts could also be used to enforce approved customs, especially where the breach of them would cause trouble to the rulers.

Even in Papua and New Guinea, however, the Australian Government consistently refused to establish or recognise indigenous courts dealing with matters of indigenous custom. It even refused to recognise the court powers of New Guinea village officials which had been recognised by the Germans in New Guinea in their effort to integrate the colonial legal system with indigenous custom. It is interesting that these courts continued nonetheless: that the indigenous court (kot bilong mipela) was contrasted with the government court (kot bilong guvmen). In fact most disputes were settled in the native court; and were commonly regarded as settled out of court by the Australian officials so long as there was no subsequent approach to the government court. But the refusal to recognise the indigenous court involved a refusal to accept its decisions within the Australian court system. Thus the offender against indigenous mores might go free, since it would be illegal for the colonial court to punish him. This was a serious cause of village disintegration throughout Australian colonial rule; and one of the first steps taken after independence of Papua New Guinea was to recognise village courts.

The Australian law recognised Papuan and New Guinean custom in native regulations. But within Australia there were no such regulations, and only recently has it become usual for a criminal court to take Aboriginal custom into account. Whereas in New Guinea there were regulations which recognised traditional marriage, dealt with sorcery and problems arising therefrom, etc. there was in Australia itself no special provision in the law to deal with these and other vital areas of the
traditional society. One result was that the only marriage recognised in
the law was marriage European-style. One aspect of Aboriginal resistance
was to ignore the imposed rules and to dispense with 'legal' marriage—as
many quite sophisticated people still do. (The younger generation of
whites seem to be moving in the same direction.) This of course tended
to increase prejudice. This is a minor example from a whole area where
regulation was essential, partly as recognition of indigenous custom, and
partly to provide a legal link between custom and written law.

In areas of close settlement, for obvious reasons, traditional Aboriginal
dispute settlement as described above could not be carried on. Each party
might attempt to use the white official in its own interest. Where there
had been a traditional civil law from time immemorial there was now
chaotic interaction of the social remnants.

Aboriginal dispute settlement procedures had been broadly typical of
those in other pre-literate societies. The customs might be as complex as
the codes of law in industrial society, and designed to meet all social
needs. But the basic objective in settling disputes was not so much to fix
the individual penalty (though this may of course be involved) as to
restore social harmony between groups of kinsmen. This might mean
postponing a decision or deciding to keep the disputants apart. Both
systems of law aim to preserve a just balance. The unwritten one tends to
emphasise balance and order for the society as a whole. The written
European systems are concerned with retribution for actions which are
unacceptable, and give more weight to the rights and actions of
individuals.

The lack of native regulations embodying custom meant that there was
no way in which a proper settlement could be enforced unless the
offender had broken a British law or regulation. This situation reinforced
impressions made on generations of Aborigines, that interference by the
court and its agencies, especially the police, was pointless and arbitrary
tyanny, involving the use of power for improper purposes, and a failure
to respond to demands for justice. For lack of enforceable rules, life
within the Aboriginal community became increasingly chaotic—more so
than in most colonised communities. Today this presents special
difficulties for would-be Aboriginal leaders.

The loss of traditions did not mean the loss of kinship and other group
ties. A strong motive to retain them was sheer survival. Another is
resentment of decades of special treatment. Thus a weakening of social
controls has been accompanied by retention of strong in-group sentiment,
very largely a reaction against discrimination.
Brian Kelsey recently made a very perceptive assessment of this situation.

There has to be... recognition of group rights... The only relationship recognised by the law is that which temporarily exists between the individual and the government. The members of racial minorities are related to each other by blood, culture and tradition. These relationships and the needs of the group must be protected. To the law's stated concern for the civil liberties of the individual must be added a guarantee of the civil rights of the group.\(^5\)

He argues that new legal and constitutional institutions are needed to provide for autonomy in the process of decision-making.

In a few places it is not too late to recognise, perhaps in regulations applying within defined boundaries, the old law in matters of vital importance for continuity of tradition; and to recognise the right to make new law by indigenous tribunals, to deal with matters like alcoholism and sacrilege, and to control the young people faced with pressures from disruptive and materialistic contacts. In other places, where disruption has resulted in chaos over long periods, the processes of internal order and government have to be re-established or new ones adopted. Leaders have to be chosen, accepted, and conceded authority to carry out decisions deputed to them by the people—probably through suitable representative bodies and meetings. Where the old binding rituals have been lost, new ones are necessary—like, for instance, rules or standing orders for group meetings.

Australian governments now recognise the need for incorporation of Aboriginal groups; and a Councils and Associations Act was passed by the Australian Government in 1976. But Aboriginal corporations and associations had already, in anticipation, been formed all over the continent, so rapidly as to outstrip effective classification, which is required for purposes of organisation by all Aborigines. The role of institution planning could well be one of the most important for the National Aboriginal Conference, which when constituted is to replace the NACC, in discussions with the Federal Government. Political negotiation at some points leads to legal action: Aboriginal corporations will increasingly resort to civil law. This promises development of Aboriginal confidence and will, for political hitting power and for a growing stake in the economy. They could make possible admittedly limited but essential

---

civil rule making, rule application and rule adjudication within Aboriginal social groups, all recognised as part of Australian law.

To the cries of 'apartheid' this remark may bring, one might reply that sets of laws made by handicapped groups to govern their own conduct of affairs is hardly comparable with imposed restrictive law. Aboriginal rule-making is essentially part of the remedial process. The Aboriginal institution, as a legal personality, may protect the Aboriginal interest in the civil courts, and learn to sue and be sued there. This involves legal aid of many kinds. The conservative attack on Aboriginal legal aid services, like the attacks on land rights claims, or on the purchase of properties for Aborigines, have been justified as opposition to 'discrimination in reverse'. That Aborigines are simply citizens like any other citizens with the same rights may be true enough if we think only in terms of an assumption in law. It is true that if he has the money an Aboriginal has the same legal right to hire a barrister and to take his case to appeal as anyone else. The argument is offered that there are many whites who are poor and similarly handicapped, who suffer injustice because they do not have the money to defend themselves by hiring lawyers, and that therefore Aborigines should have no easier access to legal aid than whites. But in fact no whites are similarly handicapped; and the fallacy is partly that the poor white represents all whites: partly the denial of the special burden of prejudice which all Aborigines share.

Common services for all citizens is certainly a just objective. But the attainment of that objective requires that the blacks be assisted to adjust the balance. If equal assistance is available the chances are that the whites will be the first to avail themselves of it and will be able through their relationships with other whites and their advantages in education and knowledge to make more use of it. Thus this kind of equality may remove more whites from the handicapped category; but this merely increases the gap between white and black. Equality in services increases inequality where part of the total population has low caste status and faces a barrier against upward mobility. The main hope for Aborigines to establish their claims and rights in the civil courts is as members of corporate bodies, competent to hire advice and legal assistance.

Even where traditional social controls remain, there is need for rules based on a consensus supporting new ones to deal with new matters such as alcohol. Most Aboriginal communities appear to be helpless against members who drink to excess. Regeneration of the white alcoholic is becoming a major problem. Alcoholism of Aborigines is more visible to the whites, and may be a greater nuisance to the blacks since the stress of
daily life is so much greater. There are no traditional controls of drinking. Many sophisticated fringe-dwellers drink heavily because this offers an escape. In fact a good title for this book might have been 'Why do Aborigines Get Drunk?' Of course the same question could be asked of unhappy housewives, deserted mothers, unemployed men white or black. A parliamentary committee studying Aboriginal alcoholism in the Northern Territory will not unveil a new problem. It has brought momentarily to attention the symptoms of an old one—the denial of justice to blacks. Free access to the pub is very recent. Resentment of inequality tempts blacks to defy the white man's conventions. For all the talk of new policies, few blacks have yet had the opportunity and knowledge to invest their money in homes or other property, which even if available on market terms remain outside the range of their purchasing power.

Even among the best situated tribal groups like the people at Yirrkala the problem of dealing with the alcoholic is a major one. One of their main requests has been for court powers to deal in their own way with fellow clansmen who when drunk dislocate the orderly running of the community or offend by sacrilege during important ceremonies. The group needs legal support to impose sanctions, either in the community enclave or through its leaders. A common one is to force the offender to stay at a bush camp and think over his transgressions for a period of 'drying out'.

Legal recognition of such a power requires legal definition of the area within which it may be exercised and of the group's institutions for justice. There should be provision for keeping court records, for vesting police powers in Aboriginal officials and of course for making the rules. This is easy to plan if not to implement in the Yirrkala type situation where the community will now live on its own land. It is much more difficult in other situations until land is acquired in Aboriginal title. Yet autonomy in such matters is required for the state of mind on which constructive social change and the long-term possibility of justice depend. The greater the autonomy the more chance to resist government and civil injustices. The corporate body requires power to make rules about conduct of its members with breaches bringing penalties subject to appeal to the general courts.

Corporate bodies of course will serve many other purposes, some of which I have referred to above and which I have dealt with at length elsewhere. But whatever the other purposes may be they will be more effective for development if they have power to establish an Aboriginal
jurisdiction on Aboriginal matters as between Aborigines; and where a dispute arises on Aboriginal land, on matters in dispute between Aborigines and intruding whites. For example, an Aboriginal Council should have power to deal with the taxi driver illegally selling liquor on Aboriginal land. If he sells it on the boundary of that land, the corporate body could sue him in the civil courts, or prosecute him in the criminal courts where such sale is an offence. The Aboriginal court might be used to protect women from the white intruders and to deal with other aspects of white delinquency on Aboriginal land. One of the main arguments for Aboriginal land rights is this basic need for a degree of autonomy and respect. Those who would limit such rights to something equivalent to a pastoral lease miss the point.

Along the early frontiers the Aboriginal was often treated as an enemy in war until he ‘came in’ or was captured. If he came before a court it was one with criminal jurisdiction. His de facto status as an enemy was transformed to the legal status of a British subject. His use of violence or acquisition of white man’s property (perhaps as some small compensation or in an attempt to recover his own) was thus transformed, often retrospectively, into a crime. A basic decision was in the case of Rex v. Jack Congo Murrell who in 1836 was judged to be in all respects a British subject and not a member of a ‘free and independent tribe’.6 Theoretically this brought him under the protection of the law which had already expropriated him. But the protection was doubtful to say the least and his rights as a subject were beginning to be limited legally. The rhetoric and good intentions were for his protection but the actual restrictions were convenient for the whites. Legislation to limit his freedom was to create a special category of punishable offences which might be committed only by an Aboriginal. Some examples include marrying a person who was not Aboriginal without permission; ‘dancing or other native practices’ without permission; leaving or escaping from a reserve; or of course drunkenness—all of which remained offences for those ‘under the Act’ in Queensland until 1965. Such special offences were matched in most other States. Tasmania, for obvious reasons, had no such laws (though the descendants of the original Tasmanians were in time to claim Aboriginality). Victoria was the most liberal in its legislation. Although New South Wales did not have an Aboriginal Act until 1911, it had special sections in other laws, which related to Aboriginal drinking etc. In Victoria Aborigines off reserves were free to

6 1 Legge (NSW) 72, (1836).
drink in hotels long before they had this right anywhere else. South Australia and Western Australia adopted acts on the Queensland model; and when the Commonwealth took over the Northern Territory it followed suit.

Most of these acts provided for exemption from restrictions for those judged to have learned how to behave like good citizens; but even this ‘dog licence’ as it was called by bitter Aborigines could be withdrawn. The main reason for wanting it was to drink in the pub and buy liquor for one’s friends.

In 1965 Elizabeth Eggleston collected a sample of 4,000 charges for offences by whites and by Aborigines from court records in ten country towns of Western Australia. Over 26 per cent of charges against Aborigines were for so-called Native Welfare offences, that is for breaches of the restrictive laws. Interestingly just under 10 per cent of the whites were charged with similar offences as the other parties in transactions which were illegal only because they involved Aborigines. The main reason for wanting it was to drink in the pub and buy liquor for one’s friends.

In 1965 Elizabeth Eggleston collected a sample of 4,000 charges for offences by whites and by Aborigines from court records in ten country towns of Western Australia. Over 26 per cent of charges against Aborigines were for so-called Native Welfare offences, that is for breaches of the restrictive laws. Interestingly just under 10 per cent of the whites were charged with similar offences as the other parties in transactions which were illegal only because they involved Aborigines.

Most of them would be for supplying liquor.

The proliferation of special laws and offences in the first half of this century arose from the assumed need to contain a problem. The problem was really of the white man’s own creation, but the many symptoms of Aboriginal resentment showed how these laws were increasing maladjustment between white and black. The blacks, as the group of low social status, were also especially prone to be charged with ‘status’ offences, which, as Eggleston remarks, consist not of what one does so much as of what one is. Drunkenness is a state of being seriously affected by hard liquor. Vagrancy is a state of being poor, or at least without money in one’s pocket. Both are offences because it is convenient to the majority that they should be. A reason for the special Aboriginal laws was that of majority convenience. The black person was the target for special law both as one of low status and as one of Aboriginal descent. The charge against him was really a way of dealing with a nuisance.

Eggleston’s samples showed that ‘all drunkenness offenders are proceeded against by arrest, not by summons; that pleas of guilty are infrequent; that there are few dismissals; that most defendants are unrepresented’ but ‘many more whites had their cases disposed of by estreatment of bail without a conviction being recorded... Aborigines gaoled for drunkenness represent a significant part of the prison

7 Eggleston, Fear, Favour or Affection, p. 326.
8 Ibid., pp. 226-41.
Thus the courts have been commonly used as a means of removing the Aboriginal (and to a lesser extent other persons considered nuisances) from interaction with other citizens.

This practice has had a long history. Paul Hasluck, describing how in Western Australia the Aboriginal accused and witnesses would be brought to the court on the neck chain, wrote that the court 'was a process by which he was sent to jail; not a place where he defended himself against an unproved charge'. Writing when the special laws were at their most restrictive, he asked 'what possible outcome can there be from a system which confines the native within a legal status which has more in common with that of a born idiot than of any other class of British subject'. The prejudice of the special laws was reflected (and may still be) in the decisions of courts and certainly remains in the attitudes of many of the police with whom the process leading to trial begins. The Aboriginal 2.5 per cent of the population of Western Australia in 1965 were subject to 11 per cent of all convictions. The Aboriginal 2.8 per cent of the same population produced nearly 9 per cent of convictions and committals to higher courts in 1961/2, and over 11 per cent in the following year. About the same time police commissioners in New South Wales, Victoria and South Australia made a survey of charges made over a six month period at selected country towns and metropolitan police stations. Aborigines were so greatly outnumbered in the metropolis that metropolitan figures are meaningless. But in the country towns of New South Wales 68 per cent and in those of South Australia 67 per cent of all charges were against Aborigines. In Victoria where Aborigines form an even smaller minority they formed 20 per cent of all persons arrested in country towns.

My own view (which I still hold) was that Aboriginal frustrations against injustice were important reasons for this situation; that defiance leading to further injustice in a situation of multiple causation was an inevitable result. I believe that breaches of the law, especially in offences against police and actions intended to defy the Dogberries of the town and shire councils, and formerly the managers of reserves, can be fairly attributed to the refusal to accept injustice passively. This part of the

9 Ibid., p. 227.
11 Eggleston, Fear, Favour or Affection, p. 13.
13 Ibid., pp. 354-7.
Aboriginal tradition affects the situation where a policeman arrests an Aboriginal. Both sides have been conditioned by history to violence. The policeman may also be influenced by the folklore so long shared by the whites so that reports of Royal Commissions into police brutality and unjustified arrests which continue into the mid-1970s appear to have little effect. Each side holds a stereotyped view of the other. Unfortunately the education required for a policeman gives him little opportunity to question either stereotype. He may be no better educated than the Aboriginal he arrests.

Yet the grim picture of police actions, even in the worst period of conflict, has not been consistent. N. A. Loos in a remarkable study of the North Queensland frontier when the Native Police were still dispersing Aborigines with gun fire, writes of a police commissioner who proposed that compensatory rations and clothing would be more effective than the attempted extermination of Aborigines in the great rain forests. It is a pity that a police training institution could not involve some of its students in a study of past Aboriginal-police relationships. The first step to understanding the social problem is to find out how it began. Here is a typical ‘emotional reaction to perceived injustice’ (Irving Tallman). Such a reaction must affect those processes of arrest, interrogation, charge and detention which are legally necessary to bring a citizen before a court. In remote areas it has led to incarceration of Aborigines without charge or court appearance. It is certainly conducive to violence in the process of arrest.

Elizabeth Eggleston has shown that Aborigines, being less likely to be allowed or to find bail, are more likely to be imprisoned waiting for trial. When they were tried they were, in 1965, less likely to have effective legal representation. The situation was changed by the establishment by the Whitlam Government of the Aboriginal Legal Service. More recently funds for this aid to justice have been cut. Many cases were in 1965 being tried by Justices of the Peace. Eggleston has shown how in the outback where she sat through some of the cases their ignorance of the law was matched by their prejudice. She suggested that there should be more control and some legal training of justices: that ‘an Aboriginal is more likely to receive justice from a magistrate than from a Justice’: that the

14 The most recent publicised example was the violence at Skull Creek, Laverton, WA, which was studied by a Royal Commission.
cost of having magistrates hear Aboriginal cases is a cost of real justice which Australia can well afford.\textsuperscript{16}

Not many cases against Aborigines are heard by juries. Where white juries are used and the case involves a white person as well as an Aboriginal, trial by a magistrate or judge may well be the best safeguard of justice. Sir Hubert Murray would not have juries in Papua because he believed they would have to be composed of whites. In 1947 A. P. Elkin recommended that the use of juries for cases involving Aborigines be discontinued.\textsuperscript{17} Essentially the kangaroo court of Australian social history has been the white jury hearing the case against an Aboriginal or against a white man for an offence against an Aboriginal. That a judge might be similarly prejudiced was exemplified by the infamous Tuckiar case in 1934. A sentence of death for murder against Tuckiar was overruled on appeal by the High Court.\textsuperscript{18} In the society of the Northern Territory at that time the appeal and verdict made no difference to Tuckiar. He was probably murdered, for he never saw his people in East Arnhem Land again, and his clan still speaks with resentment of his disappearance on the way home.

For those who retain their own language the difficulties of court appearance seem obvious. To a tribal Aboriginal, the court ritual is as incomprehensible as to a white man at his first Aboriginal ceremony. Professor Tatz wrote that in relation to the plea of guilty or not guilty 'Aborigines are so honest that they almost always admit culpability'.\textsuperscript{19} This would result from their own system of reference. For to one accustomed to the traditional way of settling a conflict, this white man's court might well be seen as a basically similar institution, where it is of little use to deny what everyone knows one has done, and where the just balance results from frank exchanges of views, as in the clan or tribal assembly.

Today most Aborigines understand what happens in court; but most of them would probably agree with Hasluck's assessment of the situation as it used to be in Western Australia.

\textsuperscript{16} Eggleston. \textit{Fear, Favour or Affection}, pp. 142-3.
Finally, Eggleston has shown that a higher proportion of Aborigines than of others go to gaol instead of paying fines. David Biles, a most competent criminologist, published in 1973 a brief statement about the Aboriginal prison population in South Australia. With less than 1 per cent of the State's population Aborigines made up approximately 25 per cent of people admitted to its prisons. But admissions of Aborigines tend to be for shorter sentences than for others (which relates to the fact established by Eggleston that Aborigines go to gaol where others pay fines) so that average populations over a month is a better indication of the proportion of Aboriginal prisoners. In July 1972 this was 15.3 per cent. Biles suggests that abolition of public drunkenness as a criminal offence might reduce these figures by half. A thought provoking indicator of social ills is that in the same month Aboriginal women constituted over half the women in prison in South Australia.

As I was thinking about these figures I noted a statement in the Canberra Times of 29 September 1976 that Aborigines form 9 per cent of the prison population of New South Wales. The Aboriginal Legal Service, had, it was reported, been so reduced in funds that it could brief a Q.C. to represent this situation to a State Royal Commission on Prisons only by using donations from members of the service.

From the highest formal office in the country to the humblest group in the pecking order, Australian society is marked by relics of the colonial system. At both ends of the power system (as recent events have shown) these are more than just formalities. The assumption that Aborigines prefer gaol to a fine reminds one of similar assumptions about New Guineans by colonial officers a few years back. It results partly from colonial myopia. The man with the power sees mainly what the powerless man lacks. Usually he does not come to know the richness of the social life over which he formally presides. Therefore he cannot imagine the deprivation arising from being isolated from one's clan or village or fringe-dwelling family and friends. The imagination block is notable in attitudes of many police who bring the Aboriginal into the court system, and is often shared by the Justices of the Peace who are not trained for the work and represent the prejudices of their communities. Yet in the Aboriginal case imprisonment may also be a rescue operation, even where it results from prejudice. Unlike the New Guinea villager the arrested person may have no access to the richness of stable social living.

20 Eggleston, Fear, Favour or Affection, Chapter 6.
This is the other side of the story—that too often things are worse ‘outside’. We should not forget that probably most policemen are humane individuals, and that many of them will sense the black person’s anguish at continued injustice, noting that the black vagrant may have nowhere to rest his head. Many a kindly man on the beat has taken pity and locked him up for the night.

The use of prisons to provide shelter against white man’s enmity goes back to the first days of white settlement. In Tasmania and Western Australia prisons were used to receive Aborigines expelled from their land before there were any other institutions for this. The islands used to receive the last Tasmanians, or the first reserves on the continent, offered conditions comparable with those in prison. It is worth noting that the opening up of reserves over the last decade has coincided with high Aboriginal prison population, which in a just society one would expect to be about 1 Aboriginal to 1,000 prisoners. Prison is just another institution, and serves a basic purpose of the earlier one—to remove from sight the public reminder of white man’s injustice and to offer a last refuge for those in despair.

A system of justice which leads to this result had failed to stand above popular prejudice and self-interest. Prison will reinforce the system of belief which Aborigines share, which is developed in the home from early childhood, which has been largely formed in earlier institutions and which is strongly marked by the assumptions which reserve dwellers and prisoners share with inmates everywhere. People make institutions; but institutions make people what they are. Parliament tends to make democrats and prison to make cynical and bitter rebels. Prison reinforces the tendency to live for the moment and to use whatever resources are available for immediate escapist satisfaction. Thus it is one of the main factors contributing to high consumption of alcohol.
The Dark Child’s Chance of Justice

It is a rare parent who can bear to think of his child being consistently refused justice. A most poignant situation occurs where parents consider that they must prepare their child for a life of injustice in their own town and country. I have known of parents who have had to support their children as best they could against persistent ridicule in the later years at school; and prepare them to expect this as an obstacle to be faced for the rest of their lives. One way is adherence to a narrow religious sect which concentrates on restoration of a just balance in the hereafter. Another is to teach children to be as inconspicuous as possible. The first tactic might illustrate excessive co-operation; both are indicative of withdrawal from interaction. More common than either is the reaction into aggression, a determination to beat the system, including the school system. Thus truancy becomes a form of defiance shared by the parents.

The main fault to be found by others in the dark child is the colour of his skin, or in his association with others of dark colour. If he goes to school in the south, other children reflect the views of their parents; and it would be hard to find anyone more unthinkingly cruel than the child of prejudiced parents. Thus there is likely to be little joy in the public school for the Aboriginal child, unless he has grown up in a community where prejudice and discrimination are slight or absent. They do exist, generally in remote areas, where the members are few, and where white and black are more or less on an equal footing economically. Even there there is likely to come a break and turning point at puberty, when a new awareness may break up the peer group to which the child has belonged. It is not only for economic reasons that the Aboriginal boy or girl is the cause of high activity by the truant officer; and that so many leave school as soon as they can.

The overt reason for his rejection, at the very time when he needs emotional support, is likely to be lack of cleanliness and hygiene, either
with or without cause. Denial of, or lack of opportunity for, schooling for his parents when they were children means that he is not taught to expect much from school. Only recently has some attention been given in a few places to the need to educate teachers so that he may have a real opportunity. Justice for him would involve a reorganisation of the school studies to eradicate racist bias in subjects like Australian history and some special help to overcome barriers of language and other cultural blocks.

Education of the Aboriginal child has been central to government and mission policies from the earliest days of white settlement. From then until now, as generation after generation has failed to make the grade to become like the whites, they have been written off as it were by both church and state. Both proclaimed ‘we must concentrate on the children’. This in turn led good Christian people into the cruelty of separating child from parent; to the fallacy that a completely institutional upbringing would make good Christian citizens of children already socialised into Aboriginal ways. But where this has temporarily seemed a success the young person has seldom found a place among the whites.

The same simple doctrine about saving the children has produced a special anxiety in generations of Aboriginal parents, whose children have been especially at risk of being taken into special homes as neglected children; or placed in household service or in special apprenticeships against the will of parents. From the first there has been a great over-estimate as to what a formal western-style education can do. This led governments to place the bureaucrats in charge of Aboriginal affairs in some States and in the Northern Territory in loco parentis of all Aboriginal children, which involved power to take them at will.

But this concern was sporadic and partial. There was never the willingness to risk the taxpayers’ protests by spending enough money to produce results other than catastrophe for Aboriginal families. There was generally enough to ensure that the handing on from old to young of the age-old traditions was lost in a generation.

Governments could not or did not, in many areas, prevent the depredations of those who would make economic or even sexual use of the child. There are still pastoralists who proclaim that the only education the dark boy needs is to be placed on a horse at the age of ten, and to do odd jobs round the stock camp. The rape of the nubile black girl along the frontiers, or her seduction on the pastoral stations, was commonly referred to as ‘gin-busting’. In Queensland law until recently the equivalent for the age of consent for the Aboriginal girl was puberty.
Brutality to the dark child began in the aftermath of the first massacre in each newly conquered area, when the settler took from the post-massacre mess a child survivor to be his servant for life.

There are still some children growing up more or less as their ancestors did over thousands of years in Australia. Their education during those millennia did not require them to spend time apart from their families. There were numerous relatives in constant contact and many children in each age-group. All men did much the same things, and all the women much the same but different things, the main division of labour being that between the sexes. The children learned a great deal, including the many skills suitable for their lives as men and women, partly by imitation, partly by tuition from their parents and others with parental authority. They learned the great myths and the codes of conduct based upon them; and grew into the understanding of the complicated relationships of kindred on which the organisation of life depended.

The intrusion of the western-style school into the life of the extended family which has remained on its own ground and largely within this enclosed culture and system of reference is only one of many profoundly disruptive influences. But nothing is more disruptive of traditional organisation than teaching which discredits the beliefs on which that organisation depends. Nothing is more destructive of security in a society where the uniting beliefs are religious than teaching which emphasises material gain and material causation, promoting scepticism about 'superstition' directly and indirectly. Such scepticism undermines the authority of tradition, and of the elders who would carry it on—and even more effectively, perhaps, than the teachings of a rival religion; for it proves easy enough to adapt to Christianity while retaining the essence of the old beliefs.

Schooling takes the child for a significant part of his life out of family and clan education. So long as there remain men of 'high degree', the fight for young minds continues. What schooling may lack in destructiveness of social bonds and authority will be supplied by other factors—for instance by the experiences and example of the young men who come home from the towns, and having seen the big world are less impressed by those who stand for the old verities of the clan. The child's belief and respect for elders must falter when he sees even them, as well as the young men, reeling and shouting under the influence of strong liquor. Not long ago, in the centre of Nhulunbuy, the town which serves the huge Gove aluminium mine, I saw teenage boys from Yirrkala tormenting a drunken old man from one of the clans residing there.
This destruction of the beliefs on which order depends has begun to wreck every pre-industrial society on earth. The western school has been too readily assumed to be the proper vehicle of first contact with such societies—an assumption only possible because of the tremendous self-confidence and ethnocentrism of the colonists. In fact the school may be the least effective form of education to bring understanding and constructive adaptation to a folk society. The assumption of its effectiveness is based on the belief which has brought much anguish to nearly two centuries of black parents and children—that through the school it is possible to make, as it were, a fresh beginning with the young. Even for economic gains this has generally proved wrong because economic gain in a society developed for subsistence activities depends on programs which involve communities. Priority to schooling brought about a situation where children were divorced from traditional life; where most of them afterwards were not able to find the jobs for which they and their parents thought they were being trained, so that a first fruit of this effort may be unemployed and alienated youth.

An Aboriginal today, no matter how geographically remote from the cities, is at the mercy of a harsh industrially-oriented settler society. Under this pressure things fall apart in a single lifetime; and the social environment of the growing child merges into that of the town fringe-dweller. Such a social change is the reverse side of a single process, seen by the whites as expansion of settlement and 'civilisation'. So long as the parents and family retain some ties with their 'country' a boy or girl may retain the confidence which children need, with the support of a relevant culture and system of belief, and with access to land and material assets—for instance to the holy places and to supplies of 'bush tucker'. When they go to school, the chances are that most of the other pupils will be Aborigines.

The Aboriginal school child in the south may inherit the folk myth of a different life in a golden age, but with little to offer encouragement or support in the white man's school. There may be other children who come from very poor homes; but few indeed have grown up in his special kind of poverty, and with his dark skin. Even if he does not appear Aboriginal (and many in the southern areas do not) he will be condemned by association, and by his own love for his family. Only later, when he is able to move out from home, may he be tempted to pass as many thousands have before him, to lose himself and mix his genes within the white majority. In a racist society, many of those who have passed and are most aware of their origins have been most anxious to
deny them, in the interests of their children. The most effective kind of denial is to be active in the forefront of the white backlash.

The Aboriginal boy or girl commencing school will be comparatively fortunate to have lived so long. In 1976 the completely shocking state of Aboriginal health, and the very high infant and child mortality and ill health have been the subject of much discussion. Until a decade ago a main concern of governments about Aboriginal health was that Aboriginal disease might spread among the whites. Concern for native health in colonies was largely due to the same fear; and to the need to keep the native worker in good shape. More recently considerable expenditure has made indifferent progress, partly perhaps because the problem of poor health has been approached as basically a medical one. But the causes lie too deep even for serious public health programs. Aboriginal illness will remain a symptom of crisis in the Aboriginal family so long as the causes of family disorganisation remain; and the causes are social and economic. This group of Australian families must be helped in a realistic way to acquire economic assets; and to use and develop them for the safety and maintenance of family life. Such a program requires major discrimination in reverse, like giving Aborigines their own land; and the chance to bargain with the mining companies seeking access to it. The relationship between health and land rights for Aborigines is direct.

The reasons for generations of insecurity and anxiety, for loss of hope and confidence, for the downward spiral into what it is now tritely popular to call the ‘culture of poverty’ have, I hope, been set down adequately above. The Aboriginal situation is not unique. It is shared by some racial minorities in other western industrial countries, especially in the great cities; though probably no wealthy country would have a minority in comparable poverty. This kind of poverty is shared by people who have certain physical features which are not approved by the general community, and which make them easily recognisable, so that their exclusion from equal social interaction can as easily become an almost innocent habit of the whites. This sometimes leads to embarrassment in Australia as when a distinguished coloured visitor is treated as an Aboriginal.

So the dark child, after passing through the dangers which threaten his life in the first two years or so, and growing up in this kind of poverty, has become accustomed to crisis. The father is likely to be dead, absent, or out of work. Social services go first to the mother and children (mother-and-child health being a ‘soft’ area for social policy in western
countries); or the mother may have to earn money as best she can. Ten years ago, when I found that the New South Wales unemployment rate among rural Aborigines over fifteen was 20 per cent, there was little, if any, expression of concern among the whites. They were concerned about the drought. It is common for the father to be a poor breadwinner; and common for his domestic authority to be slight, with mother and grandmother coping. Father is the victim of discrimination in a pattern of multiple causes.

One of these causes is alienation from the main institutions in the country. When he does go to a government department, he will commonly attempt to find a solution for his problem across the public counter, where in the past he has not always been welcome. That encounter is likely to result in his being asked to fill in a form. Nancy Frith, a public health nurse who realised that she could not carry out her professional duties effectively without being ready to provide assistance in areas well beyond the scope of her professional duties, writes that she was exasperated by George Jackson for not applying to the Housing Commission for rebate of rent when he was out of work, not realising at the time that he had once applied and been faced with a three-paged document quite beyond his literary capabilities. He was already in such trouble over the state of the house and arrears of rent that he believed it was useless approaching them—they were always ‘on his back about something’ and would not help him. When I collected the form for him and was told by the office girl that ‘they’ never bother to fill them in, I explained on examining it that a little help might be necessary.¹

The structure of the government institution assumes a functionally literate public. (The Royal Commission on Australian Government Administration has recommended that more able officers, not the least experienced, should man the departmental counters.) Lack of literacy, of course, creates a continuous problem for Aborigines and for police and other officials where the documents go out to the public—motor registrations, notices to pay, licences of various kinds, and court summonses for instance. Or the semi-literate throws away his motor licence plates when he changes his car. There are special reasons for this high degree of illiteracy in the area where Nancy Frith was working. A man of Jackson’s generation probably got his ‘education’ from the reserve

¹ Nancy C. Frith. *Experiences in Public Health Nursing*, School of Public Health and Tropical Medicine, University of Sydney, Service Publication No. 10, AGPS, Canberra, 1975. p. 171.
superintendent, who was supposed to teach for two hours daily—provided that nothing went wrong to take him away. The period of attendance in school was four years. Jackson and his wife had nine children; he was ill for 10 per cent of the year, his wife for 20 per cent; the children's illnesses ranged in duration from 9 per cent to 53 per cent of the year in which Miss Frith kept records. The area was a long settled and wealthy one—for whites.

The attitude of the public servant on the counter in this case was probably innocent enough; she was doing her job correctly. But often this is not the case. Aboriginal claims may be delayed for all kinds of reasons, one being that they generally lack the education to make a literate protest. The Aboriginal father may be poor, unemployed or a seasonal worker, a shanty dweller, without regular income, in debt, possibly an alcoholic; and because of all these traits in the father, neither he nor his son is likely to be well educated. Mother and grandmother tend to be the 'battlers' who keep the family together. For their children they may have to sell even themselves. Planning ahead being pointless, life will be dominated by events of the day.

Most probably do try to plan for the future of their children, but the targets of uneducated people will be low; and the modest ambitions for the child are based on generations of experience which indicate that blacks should not be too ambitious. Recent government support has helped to produce a new generation of young graduates from institutions of higher education. These young men and women must have some demonstrator effect for the young and ambitious, especially as they are politically involved and active. I would not dare to guess what the effect of contact with well educated Aboriginal men and women in the fringe areas has so far been. But I would guess that the Aboriginal families are still dominated by women whose lives and horizons have been restricted by poverty and discrimination, to the battle against illness, poor housing, inadequate incomes, desperate and drunken men, with inadequate food and home equipment. They distrust the white man and his works, including his schools. They may reject or mistrust educated Aborigines—a problem hindering the emergence of effective national leaders. This is an interim period in the development of higher education for Aborigines. An old friend of mine used to say (in New Guinea) that whatever money and effort went into a plantation, it still took nine years to produce a coconut. It takes considerably longer to produce a graduate. The flow is increasing; but the conservatism and distrust of the Aboriginal home is
one of several factors hindering efforts to increase the numbers committed to higher education.

In the conservative shanty death comes too frequently and too soon to the children; but they are treasured and loved. Parental discipline has to be based on family security, and on reasonable hope for the future of the child. That he should be allowed to run free with minimal restraints while he can is natural enough in the present circumstances. There was no reason in the old law why he should not until the time came for initiation for boys or marriage for girls; and only now is there any real point in preparing the boy or girl for other than menial tasks.

This has hardly been the best preparation for the school room; nor has the absence of books, pictures, gadgets of all kinds, from many homes. There can be little pressure to compete in homes where people do not have careers but only ups and downs, ins and outs of work, and of houses; finally to enter old age (if one has made it to that point) little if any better off intellectually or economically than in one’s youth. A more serious handicap to the southern Aboriginal child may be inadequate nourishment in the first two years of his life, a handicap on mental activity from which the potentially brilliant boy or girl may never recover. So our little boy or girl arriving in school may be quite lost. He needs the most knowledgeable and sympathetic teaching, but has too often been written off in advance. It is not very long since scientists assumed that the differences between races indicated in intelligence tests designed by Europeans showed European superiority, so that we can hardly blame generations of primary school teachers for the same assumptions.

The initial handicap is probably greater where the Aboriginal family retains something of Aboriginal tradition. The white children have generally been conditioned from birth to a culture which depends on marks made on flat surfaces. A pre-literate skill in seeing and interpreting marks made by wild life on the ground is irrelevant in the white man’s school, just as his books would be pointless in the Aboriginal home, even if the family could afford them. School may well be a torture, the conservative home a refuge, where the child is told that schooling brings nothing worth while.

The intelligent boy or girl will find confirmation of Aboriginal worthlessness in the kind of history which seems at last to be coming under question but which still remains in some school books. A few may resent this enough to contrast it with Aboriginal folklore on white man’s cruelty, and turn their backs as soon as they can on the whole system.
Others will resent the ham-handed patronage they receive. Most bitter will be resentment of the assumption that all people of dark skin are somehow dirty—but this is so common that many will come to believe it. The parents of the other children pass on this information with warnings, and there is still the occasional white parental protest. Sometimes there will be a health problem, since it is not very easy to ensure cleanliness in a shanty with an earthen floor; but more generally the risk of contact is assumed without reason. Earlier this year the press reported the case of the young girl who severely injured herself trying to tear off her dark skin; and I have known one case of a man who had carried the belief that he was somehow dirty all his life. Little wonder that the students from the University of Papua New Guinea could appeal to Aborigines with their imported slogans of Black Power, and Black is Beautiful. Such confrontation, in the present climate of prejudice, may well cause unthinking whites to think, but it is well beyond the capacities of the little Aboriginal boy or girl.

In the past both boys and girls have got out of that unhappy situation as soon as they could. The girls stayed in the shanty homes and joined the life which seemed to be ordained for Aborigines. The boys sat down as unemployed, or got seasonal jobs. There have always been exceptions. Sometimes these were the results of unusual home circumstances and parents. Sometimes there was a flame of ambition, and some unquenchable intelligence in the child, with a determination which carried him successfully through all these obstacles, including those at home. I think the case I remember most is that of a girl who was in her fourth year at high school, ten years ago. Her parents had to go off on cherry-picking to Young and were about to take her with them. Her sisters had gone the same way, become pregnant early, and started the same lives as the mother. The girl sat at home still in her school uniform and obviously despondent. Although this was a chance encounter years ago, its significance will not be forgotten. I remember also the sardonic comment to Alan Duncan by an intelligent youth, about to leave at the beginning of high school—'They won't give me a bigger axe'.

Betty Watts, writing of the Aboriginal Secondary Grants Scheme, recently remarked that although the grants for those over fifteen rose from over $2,000 in 1972 to over $3,000 in 1974 and 1975, the size of the resultant increases in the final year of schooling was negligible—103 in 1973 and 49 in 1975. Here is an indication of continued catastrophe for all of us, as significant as the health statistics from central Australia.
Ten years ago the Aboriginal child’s chance of finding a job after leaving school was slender; and today may be even more so. I hope that it is no longer the case, as it was in the mid-1960s, that officials responsible for local management of Aboriginal affairs would propose the lightest-skinned girl for the job of waitress in the small town cafe, and give priority to the family of ‘light caste’ to occupy a house in town. The argument was as simple as it was irrelevant to the Mendelian law—that light skin went with a high proportion of non-Aboriginal blood and therefore with a more reliable stock. The real reason was that officials both shared and submitted to local prejudice. Many parents today will remember being categorised according to caste when they were children. Children of light coloration might be sent, when they were charged with being neglected, to an institution for whites, especially during the years when assimilation was the policy. Untrained and uneducated field staff were not sure of what assimilation meant. The dark ones went to grimly inadequate Aboriginal homes and dormitories, or simply on to distant multi-purpose reserves. In a world so ordered, it is not surprising that Aborigines, including those whose dark skins denied them hope of achievement, or change, often accepted these beliefs.

Imagine the effect of such a realisation on the very dark child, boy or girl; and there is no further need for explanation of the youthful alcoholics, the prostitutes of school age, the early addiction to a reckless and hopeless defiance of authority, the truancy of the school child; or for the despairing parental love and spoiling of the child while he is still confident and unknowing, with the equally despairing acceptance of an almost innocent youthful depravity when the awareness which puberty brings is accompanied by realisation that one is for all one’s life to be condemned. Which brings us back to Aristotle’s view that in a just society, the best flute player, not the person with irrelevant advantages, should have the best flute: that it is true that men are not equal, but that distinctions should be only on grounds relevant to the activity being considered. Yet Aristotle’s just society did not include the slaves. At least our formal institutions for justice have always formally included Aborigines.

The child who is ruled out of opportunity because he is deemed to be black has been denied the chance to excel on irrelevant grounds. He may well, and often does, surpass his white schoolfellows in native ability, but believes he will never be allowed to develop it. His reaction is that of people everywhere to injustice. If he has come to believe that God has inflicted him in this way for a good reason, that the blackness does
involve evil and dirt in some way (easy enough in a country where millions of dollars are spent in exalting the detergents which produce clothing white as snow, where whiteness means cleanliness, and cleanliness is more status-giving than godliness or charity) the bitterness of injustice may turn inward.

In a white child such behaviour, as an irrational departure from the norm, could fairly be taken as a symptom of mental illness. In an Aboriginal child it may be rational enough as an expression of despair, and no departure from the norm. If it is illness of some kind, the illness may be cured only by justice.

Dr Max Kamien, who worked as a psychiatrist and general practitioner in Bourke for three years from 1970, and made a study of the Aboriginal community there, has recently published an account of his research findings on the children. They 'suffered from a general feeling of insecurity and debasement, which revealed itself in the mixture of anxiety and suspicion they exhibited in making contact with what they regarded as unpredictable white people'. They experienced racial discrimination at a very early age, and this added to their low self esteem . . . Keeping a child in a gaol cell . . . caused much guilt and anxiety in the child's parents . . . It is probable that the punitive attitudes of Child Welfare Department officers, police and magistrates helped to further alienate Aboriginal children from white society and perpetuated the anti-social behaviour which these very agencies were trying to eradicate.

Most of their teachers, according to Kamien, adopted 'the racist attitudes of most white people in the town'. This is indeed a grim indictment. It does not indicate that Bourke attitudes are unusual. Ten years ago when I did some work there, it was thought by Aborigines to be a 'good town'. What Dr Kamien's probe uncovered was simply injustice which has become so habitual for the whites that it passes unnoticed by most of us.

The child now growing up in a clan with traditional mores and access to the resources of his or her country may be a member of an oppressed group; but there will be the supports of a language which has grown out of the traditional system of reference and some remnants of the extended family system. If he lives on a great reserve like Arnhem Land his community still has some chance to make decisions on many matters of daily life according to ancient rules known to all its members. All this

3 Special supplement to the Medical Journal of Australia, 1976, quoted in an article by Jack Waterford, Canberra Times, 6 Dec. 1976. A major work by Dr Kamien on the situation of Aboriginal Australians in and round Bourke is, I understand, soon to be published.
makes for security for the very young. During the 1970s there has been a very real effort by the Australian Government in the Northern Territory to develop bi-lingual schooling. The child who is faced with the task of learning a new language, and literacy, with a new system of reference, all at the same time, has been hopelessly disadvantaged. There is a new policy of government support for work by linguists to create the written form of Aboriginal languages; so that the introduction to school and to literacy may be in the child’s own language. A new generation of Aborigines are now working as teachers or teachers’ assistants. What the Australian Government was ready to support for many years in Papua New Guinea is at last beginning in Australia. (However, as I write this the program is under threat of decreased government support.)

This is one of the most significant developments in Australian education because it recognises the worth of the Aboriginal tradition. It should also considerably increase the range of literacy in these remoter areas, make possible the beginning of an Aboriginal indigenous written literature, and by facilitating Aboriginal literacy in English, stimulate the communication of an Aboriginal point of view. In the far northern electorates, it may well expedite the effective use of the Aboriginal vote for Aboriginal interests, and social change they desire may flow. To make and carry through decisions requires authority within Aboriginal society and the family. The emergence of leaders, and of a readiness in people to accept decisions they regard as just and effective, makes the organised Aboriginal institution possible—just as the institution may provide a legal and administrative framework within which this may happen. With involvement in their own institutions parents may see purpose in committing their children to school and supporting their efforts there, for success may lead to employment within an Aboriginal organisation. Already there are hundreds of corporate bodies which require the services of educated Aborigines, in a range of commercial, administrative, productive and educational enterprises. Such organisations may also stimulate competition with whites; and there would be particular advantages for the nation in employing Aborigines in the Federal and State political-administrative organisations responsible for Aboriginal affairs. Here is hope for a new motivation for the dark child. The growth of new institutions offer more than a job—a cause to which he can devote his life, and an ideal to fire his imagination.

Some time ago I discussed with Kevin Gilbert, one of if not the foremost of Aboriginal intellectuals, the possibility of establishing in a rural setting the first Aboriginal Folk High School. Here we imagined
Aboriginal boys and girls coming together for a few months to re-learn something of the culture which gives Australia its uniqueness; and to learn that here were some of the great achievements to pre-literate man. Perhaps some of the confidence which would flow from such an experience for the youth of fifteen or sixteen would enable him to make his own assessment of his worth, and to stand up in his own dignity against the town 'okkers' and Dogberries. It might well bear some of the practical results which came from the first folk high schools, aimed at a similar age group from the run-down dairy farms of Denmark—results which revolutionised that industry and formed an enduring support for Danish pride and democracy.

The small Aboriginal boy or girl is our own Australian child; and his death or the crippling of his mind through neglect is the fault of us all. If we do not feel that way, his happiness, health and general well being, which should be ends in themselves, remain at risk; and as much so as the well being of those other fringe-dwelling children in their refugee camps all over the 'developing' world outside, whose situation his own too closely resembles.

But he is more directly the victim of race prejudice than they are, since he suffers his handicaps in a very rich country. Our priorities in such matters make something of a mockery of the United Nations Declaration on the Rights of the Child. 'He shall be entitled to grow and develop in health . . . The child shall have the right to adequate nutrition, housing, recreation and medical services . . . The child shall in all circumstances be among the first to receive protection and relief.' The common attitudes to him are poisoning the minds of other Australian children. They too are in need of protection. 'The child shall be protected from practices which may foster racial, religious and any other form of discrimination. He shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, and in full consciousness that his energy and talents should be devoted to the service of his fellow men.'

5 Ibid., Principle 10.
What is to be Done?
Bureaucratic Barriers, New Legislation and New Institutions

One of the penalties of living in a rich modernised society, with levels of material comfort and health never before known, is involvement of the person in impersonal, repetitive and prosaic processes. For the riches depend on industrialisation; which depends on making, recording and administering decisions by bureaucratic and mechanical means. For those who manage the system, for those who are its objects, and for those who are twice involved, it discourages originality and departures from the routines and the norms. One advantage retained by the poorer societies has been retention to some degree of older ways, although they have been the largely uncomprehending victims whose labour has been demanded or assets taken over. Many small societies have simply disappeared, ‘died out’ under the pressures; but many have managed to retain much of their own ways and ideas. One of the last things such a group will jettison is the system of belief which holds it together.

But in the circumstances described in previous chapters, Aboriginal ‘development’ requires that they increase their effectiveness, to work either within or against the government’s administration by mastering its organisation and methods, and at a time when more whites than ever before are making (sometimes not very convincing) gestures at ‘dropping out’ of it. A very small minority may, by such means, increase its influence on how the goods and comforts produced or imported are distributed.

To an oppressed minority, a minimum of education opens up access to the mass media. Its claims become known nationally and internationally. The possibility is realised of destroying individual oppressors, of disrupting established institutions. The same realisation by government leads to increased attention to the ‘problem’ and to a more realistic policy to deal with it. The decline of colonialism and the publicity about entrapped majorities in Africa, and about minorities in the United States
over the last two decades, have helped to bring Aboriginal resistance out from the small situations of non-co-operation in the town fringe or managed reserve into the national arena; and from personal confrontation into the political contests between nationwide articulated interests. Small-scale sporadic rebellious outbreaks make way for nationally organised Aboriginal political organisations. This in turn leads to the counter-organisation of interests basically opposed to changes in the status quo.

The government, to deal with the problem, has expanded the bureaucracy. Within that bureaucracy, though formally it is non-political and plays an instrumental role in the execution of policy, there will always exist, informally but actively, those same diversities of interest and views as in the public at large. The balance of these attitudes within the public service affects the shape and implementation of policies. The results, in practice, especially 'in the field' where supervision can seldom be effective, will vary a great deal. An individual official among a largely inarticulate clientele may write the reports on his own efforts and be the judge of what is done. The results of government decisions must be affected by the beliefs and prejudices of its agents.

The Aborigines, for their part, need a continuity in their own policies, which requires in turn institutions of their own with perpetual succession, that is which remain indefinitely and are not likely to disappear with the deaths of particular people. These institutions require their own administrative services to operate effectively. The need for Aboriginal administrators for Aboriginal organisations is already pressing but the main Aboriginal experience with officialdom until recently has been of face-to-face conflict or submission. Common practice was to avoid either by avoiding the official.

But the road to justice must be found, often by desk-bound, prosaic and repetitive routines, through those bureaucratic tangles which increasingly restrict and frustrate the rest of us and the world at large. The same tangles and routines will continue to be used by those who oppose change, inside the bureaucracy and outside it. Those young men and women who first entered the public service hoping to be received as representatives of their people must have been dismayed to find themselves cogs in the bureaucratic machine. But it is essential that they come to terms with bureaucracy, and be assisted to do so.

Otherwise the important changes in national policy may result in little more than a formal equality in voting rights, social services to individuals, and the like. Correction of the balance of justice between black and white
also requires political action by Aborigines in the national arena. Governments may promote justice mainly by encouraging this, especially by legal provision for new Aboriginal institutions, to negotiate with government and private organisations and to exert pressure in the Aboriginal interest; and in this the Federal Government has acted. New institutions should emerge as far as possible on Aboriginal initiative, be incorporated bodies, able legally to accept money, hold property, and press for change at the three levels of government—local, State and Federal. The legislation establishing them (the Aboriginal Councils and Associations Act 1976) has been supported by both major parties in federal politics. When it is gazetted, it will legalise a situation where government-sponsored bodies may from time to time defy government. It will be pointless unless government is prepared to use its provisions to negotiate with groups some of which have abused its officials and waged political campaigns against it. Many officials, and some ministers, have been most uncomfortable in this situation and some have reacted with a prissy propriety.

It is complicated by the so-called white backlash from people who see their advantages threatened by such a policy. In some cases 'advantage' may best be explained by any one of the many reasons given by the experts for race prejudice. Others believe that their jobs depend on holding Aborigines in a subordinate relationship. The land rights movement threatens the profit of some companies or the convenience of some persons. The householder or the real estate man may see the Aboriginal Housing Association as a threat to the profit he hopes to make by sale of a house. Among the complaints by such interests is one that Aboriginal affairs have become a 'political football' (to be kicked about by Aborigines who have been encouraged to forget their proper place).

Any group of citizens has always had the right to form a corporation. The 1976 Act makes it easier for Aboriginal corporations to be registered, sponsored, and financed by government. That they may be formed on Aboriginal initiatives with a chance of getting funds for schemes of their own presents a special challenge to Aborigines to organise in their own interest. Poverty, ignorance, dispersal through great distances, remain real hindrances to the emergence of leaders and to organisation. Yet Aboriginal spokesmen for their organisations now travel throughout the country on their own and government business (being helped with taxpayers' money to kick that political football).

But the most common Aboriginal relationship to government still remains that of dependent client to servicing department. This may result
in a program based on Aboriginal initiatives, and assisted by one Commonwealth department, conflicting with the client-department relationship maintained by another department—or by the Government of Queensland. There was no such conflict when Aborigines in each State were left to a small board or directorate which dispensed meagre charity and managed reserves: other departments were not interested or involved. But today many federal departments are involved. Professional medical officers in a specialist department like that of Health may be critical of Aboriginal and other efforts in community health programs, organised under the aegis of Aboriginal bodies like the Central Australian Aboriginal Council. A professional bureaucracy will suspect programs which seem to promise more than the experts believe they can deliver—for if the program fails, the bureaucracy must deal with people reacting from frustrated hope. If they succeed, they imply criticism of the established professional-departmental organisation and methods. These possibilities are avoided so long as Aborigines remain in the dependent client relationship with a government department.

It is true that Aboriginal initiative is sporadic, often inconvenient, sometimes seemingly pointless. But the very fact that it is forthcoming justifies the scrapping of the bureaucratic ‘human engineering’ which marked two decades of ‘assimilation’. For in real politics there are no philosopher kings, though for generations public servants (and missionaries) have assumed that role, and by so doing usurped that of Aboriginal leadership. Many officials, especially on distant reserves, still do so. There are some compelling reasons for this. Until an Aboriginal corporation takes over the initiative and control, the official is responsible for the money spent. Until in practice he transfers this responsibility the dependent client clings to his dependency. He has known no other adjustment. Even when the official becomes technically an ‘adviser’, he is likely to be judged incompetent unless he manages to get the Aboriginal council or association to do what his superiors want.

The Australian bureaucracies are probably more efficient than most, and as enlightened as most. Their standards are those arising from the introduction of industrial capitalism to a country where the environment presented its own special obstacles. Recent wealth has not been easily achieved and the habits formed include an emphasis on economic returns at any cost. But such returns were partly based on Aboriginal losses. All decisions had implications for Aboriginal affairs. Each involved, from the Aboriginal point of view, either an inclusion or an exclusion. The Aborigines inherited only what was left over from the free play of white
man's economics, isolated with their problems and relegated to small sub-departments of government whose decisions had low priority, and whose finances were notably inadequate even for subsistence.

There were exceptions. Tasmania of course assumed that it had no need for a policy. Queensland after 1897 accorded priority to the building up of its reserve communities, with an even higher priority to a nonsensical racial policy, more so than in most other States only because it was spelt out in detail, and applied with a sincere, well intentioned stupidity. There was a very high priority for Aboriginal welfare in the Northern Territory in the 1950s and 1960s, but much of the emphasis was on quite rigid controls. Otherwise, Aboriginal policies were allocated very low priorities and likely to be set aside when inconvenient: so that high professions meant little, and the Aboriginal learned to be distrustful of any official person or policy. He had little chance of understanding the organisation of which the official was the outrunner. Of the policies behind the official the Aboriginal generally knew little or nothing, which might explain his suspicion of all promises. Yet, because the official had been placed over him, and there was no one else responsible to turn to, he took his troubles to the one whom he regarded as their cause, calling on the person he resented for help. The white official was the usurper of black leadership.

Kafka-style decisions are always possible where the client is powerless. Take for example the cases of those Aborigines brought from the tribal life to live on a reserve, as some groups in the Northern Territory were in the hey-day of the assimilation policy. They lacked the white man's work experience. So did others who had come from the desert areas into the eastern goldfields of Western Australia, and were being refused unemployment benefits under the relevant Act. An applicant must be capable of doing work which the officials (technically the Director General) considered 'suitable'. One of the factors on which suitability was decided was the work-test. But an Aboriginal who had not undertaken 'work' as bureaucratically understood (which does not include subsistence self-employment in the desert) could not pass the work-test. Therefore he could not, under the regulations, have the benefit. In April 1977 a press report stated that the 'strict application of the work test' was preventing 'hundreds' of Aborigines in central Australia from receiving social service benefits. At the Papunya settlement many of those brought in a decade earlier had still not had

1 Commonwealth Social Services Consolidation Act 1947-1950, Section 107(c).
experience of a ‘regular work pattern’.\(^3\) To add the number of so many registered unemployed persons to the national statistics would not have been politically convenient. The loyalty of the official must be to his superiors, rather than to the clientele—quite legal and quite unjust. The result, in this case, is a kind of logical lunacy—logical on the file, lunatic in application.

This kind of decision indicates how priorities can be established against people ignorant of administrative procedures. Aboriginal leaders must learn to deal with bureaucracy as the core of the modern political system. It is the human counterpart of mechanisation. In the interaction between man and his tools and weapons in the west each pushed the other into an ever-increasing specialisation of the individual unit—into increasing intricacy of human organisation, and of the tools and machines people use. Rational decisions are made more and more through the machine. The computer operates as an extension of human intelligence. The purpose of such activities has often become trivial and amoral; and the technique an end in itself. Administration, the art of how to do things in disciplined bureaucracies, claims recognition as a profession. An ambitious person may win a career in a big firm or government department without any real concern with or knowledge of what the organisation is doing. It is often assumed that a good administrator can tackle any set of social problems. An officer of proven administrative ability elsewhere need not know much about Aborigines to further his career in Aboriginal affairs.

Early in this century Max Weber speculated about a time when the world would be locked together in one huge bureaucratic organisation, with a hierarchy of officials controlling the lives of mankind. This, he thought, was inevitable because of the technical superiority of bureaucracy over ‘any other form of organisation’ so that ‘the whole pattern of everyday life is cut to fit this framework . . . Precision, speed, unambiguity, knowledge of the files, continuity, discretion, unity, strict subordination, reduction of friction and of material and personal costs . . .—these are raised to the optimum point’.\(^4\)

Aboriginal life is not cut to fit this framework. Its continuity outside it has been noted in a most impressive report on Aboriginal health in an area comparatively free from overt discrimination. Aborigines, write the authors

\(^3\) Article by Jack Waterford in *Canberra Times*, 5 April 1977.

stand outside the supermarket which is our affluent society, ambitious for the good things within (the health, education, well-paid jobs, material possessions and a long life), but lacking the key (a particular life style) which can let them share fully in the best Australian society has to offer. The key can only be won by living differently, but living differently can only occur when people grow up confidently in a physical and social situation very like the one to which they aspire and in which they internalise the basic values appropriate to the new way of living. In such a situation it need not surprise us that many come to deny any interest in what seems unattainable, or believe that white Australians are responsible for deliberately locking them out.5

I would not reject the implication that to be materially successful Aborigines must change some of their ways, or at least adopt new priorities. But the absolute choice between two ways of life is, I think, neither possible nor necessary. Compromise, new institutions and a continual adjustment by both races does seem possible. But without political and bureaucratic change, even the efforts in education, health, housing and economic assistance, while more than justified in humane terms, will not add up to an effective policy to promote justice and equality. If there is a key, it is a new institutional framework and the experience required for Aboriginal Australians to ‘work the system’. The core of the ‘system’ is the bureaucracy. And bureaucratic values are almost the reverse of those of the folk society of village or camp. The gap is between life ordered by the clock and life ordered by the seasons; between life divided between work and play, and life with no such division; between life dominated by money and the life of the gift-exchange; and especially between the way of living necessitated by bureaucratic organisation and that led in small social groups where the emphasis is on personality, kinship and face-to-face politics.

The contrast is also one of style. To the conscientious official Aboriginal behaviour may seem disorganised and untidy. The committed bureaucrat (which fortunately most employees in public service are not) has little in common with those whose heroic figure is the generous giver, regardless of cost; the man whose hospitality is improvident and unlimited; who is ready to throw away his career to serve his kindred; who lives for the great climacteric celebrations and scorns safe routine, even if these times of exhilaration are attainable only with the help of hard liquor. My feeling from some limited experience is that even in the poorest Aboriginal group in the south, there is a warming to the

5 Nancy C. Frith, R. G. Hausfield and P. M. Moodie, The Coast Town Project. Action Research in Aboriginal Community Health, School of Public Health and Tropical Medicine, University of Sydney, Service Publication No. 11, AGPS, Canberra, 1974, p. 187.
charismatic man or woman who bets high, drinks hard, and defies the cops. While for their part they are largely ignorant about how the 'system' works, the officials for theirs too often lack the necessary contact with them and information from them to make realistic assessments and decisions.

Some officials have spent whole careers working for goals like 'absorption' or 'assimilation', or to 'smooth dying pillows'. That tens of thousands of lives were frustrated and wasted has, for lack of articulate protest from the victims, been officially attributed to their own shortcomings. Waste of lives and effort has occurred for both parties—the official and the Aboriginal. The need of the public official for virtue and honour in his employment had to be satisfied by strict adherence to the regulations and the proper procedures; to the recognised means of 'efficiency' rather than the achievement of professed aims. But if the ends are absurd or inhuman, the greater the efficiency in process, the more disastrous the effects for the clients.

Attempts to account for this situation in terms of class struggle are not very convincing. The 'native' clients of a bureaucracy have much to resent in the impersonal treatment they have received from it, and its members, even if themselves natives, are resented in their bureaucratic roles. But just as the majority of the young graduates in the colonies looked for employment in the public service, so are young educated Aborigines attracted by public service conditions, and some of them believe that they can use the employment to act and speak as representatives of their people. Attempts to use the bureaucracy to proclaim Aboriginal rights have caused considerable confusion on both sides. In the Department of Aboriginal Affairs the rules of the service had to be 'bent' somewhat to avoid action against the civil servant who tried to blend the bureaucratic and political roles. But this blending of the administrative and political roles, as I shall argue later, is required for effective development administration.

People whose experience of government has been limited to interaction with controlling officials naturally regard the public service as the real seat of government. They have demanded representation in it without the formal qualifications required for appointment and promotion, and argue that only Aboriginal officials can know what the problems of their people are. The Department of Aboriginal Affairs has to recruit Aborigines; and there is a good case for a special arrangement to facilitate their recruitment. The case does not appeal to officers recruited on the basis of merit, established by academic or technical qualifications which
Aborigines lack. They echo the cry of discrimination in reverse. But the Aborigines are reacting like other people finding their way out of a colonial status. Representation in the public service has been demanded by those living in the less sophisticated inland areas of Papua New Guinea, for instance, as some safeguard of their interests against an officialdom recruited on ‘merit’ from the areas where western schooling has been established for a long time.

That a single Commonwealth Department of Aboriginal Affairs replaced the small State organisations in all States but one, and was established beside it in that State, was certainly a considerable gain. Some early results involved a trusting of the clientele, by funding experiments which were condemned by the masters of ‘organisation and method’ as uneconomic and wasteful. Inevitably, accepted principles of public administration were imposed at the expense of experimentation in direct funding to community programs. Also inevitably, the Department of Aboriginal Affairs inherited the officials of the old State boards and sub-departments, for bureaucracy accords the highest priority to security of tenure. Each service, including that of the Commonwealth in the Northern Territory, had older members recruited when authoritarian controls were central to the system. In others, cynicism had developed from having to profess commitment to impossible objectives and from the contrast between the reality of field administration and the mythical policies. The Department of Aboriginal Affairs thus became much like other departments; and its members must hold a range of views and prejudices which generally afflict Australians. Some have interest and competence only in maintaining their part of the administrative process, and are to be found in some of the key positions. Dutiful performance of their roles may lead to promotion, often into departments concerned with quite different matters. There is also a core of officers committed wholly to the promotion of Aboriginal welfare and development. There are many others, impressively devoted and competent, working with Aboriginal communities and becoming increasingly frustrated by lack of adequate financial support. At present this committed group includes few Aboriginal officers and their efforts probably tend to be dissipated in the bureaucratic emphasis on method and on official busyness for Aborigines. But to recruit more Aborigines requires some special arrangement. (The number of Aboriginal officers recently appears to have been declining.)

A special arrangement, perhaps by taking the present department out of the general public service, might facilitate funding of Aboriginal
corporations. Under the current arrangement, it is comparatively easy to spend large amounts on salaries of officials to do things ‘for’ Aborigines. It is also easy to pay pensions and other social service benefits on the same basis as they are paid to whites: accounting processes cease when the cheque goes to the individual legally entitled to it. There is no real way to assess whether money is spent ‘properly’ by the client; and in fact it is not regarded as the business of government to inquire.

But it is much more difficult to give money where the recipient is a group of people, especially a group of low status. Only individual and family needs are recognised for social service payments. These needs are assessed by officials. It would be much cheaper to supply more money to groups in the same way as a pension is supplied to the individual, but this would break the rules of accounting for tax-payer’s money. Where possible a bureaucracy will provide professional service rather than cash. It is comparatively easy to pay salaries of officials, even easier than to pay pensions. ‘Governments throughout the world are prepared to spend large sums on programmes directed by the wealthier for the poor . . . but the same governments are less keen to give money directly to the poor. As so many Aboriginals have said, they have to be kept poor to enable others to live comfortably by providing services for them.’

Allocation of funds to a group of low status invites bureaucratic checks on how the money is spent. It tends to be allocated for specified purposes so that expenditure can be supervised. If distribution of profits is involved, the public service is tempted to take over control of this process. It seems essential that Aboriginal groups be encouraged to develop their own processes for using such funds; that the accounting process as distinct from group accountability be only within the organisation; and become a group responsibility as though the grant had been made to (say) the Red Cross or the Academy of Science. Otherwise the bureaucracy is extending, as all bureaucracies tend to do, into the clients’ organisation, as happened to Christian missions in Australia and in Papua New Guinea.

When the recipient is a group incorporated as a legal person the tax-payer’s money would seem to be legally protected by a receipt from the corporation. The 1976 Councils and Associations Act appears to meet the need by providing that each Aboriginal Corporation appoint its public officer. His receipt should satisfy the accountancy requirements.

Public service folklore is that Aborigines waste money. One might reply that so do other pensioners who go to the pub or the T.A.B. for recreation; and also that groups can learn to handle money only by having some. Aborigines need help, but do not need the hindrances of bureaucratic control.

Organisation of developmental programs does appear to be moving, as illustrated in the Councils and Associations Act, towards recognition of greater autonomy. There has been a rapid increase of groups both incorporated and awaiting incorporation. Admittedly there are difficulties. Inevitably the corporate body will be called upon to account to government for money it receives from government. But this is different from putting a government officer from time to time within the organisation as though the funds are still tax-payer’s money. If the Australian Government can trust more or less completely those foreign governments which receive Australian financial aid, it might well learn to trust Aboriginal organisations which are also politically and economically part of the Third World. The extent of the trust will probably be a matter for continual negotiation and debate. Those Aboriginal organisations which most effectively account for their money will have obvious advantages in the effort to get more. Some have already been subsidised to employ their own accountants. But they should not be expected to spend the money strictly in accordance with imposed priorities. They may well agree to an order of priorities established in negotiations concerned with their share of the budget for Aboriginal Affairs.

There are reasons why the organised groups should employ their own Aboriginal bureaucrats. The white bookkeeper may be willing to take orders and go when required, or he may keep the community under his control. They then want to be rid of him; but without an Aboriginal replacement must keep him to satisfy the government, to interpret the results of their efforts and to advise what to do next. In adapting to bureaucracy, however, they come to terms with the very values which they have passively resisted for generations. Here is the dilemma. Only by efficient operations can they retain some of their own ways while sharing the wealth: yet to operate efficiently they have to become much like the rest of us. This dilemma has faced many colonised folk societies.

Peter Lawrence tells how the Garia people of New Guinea, faced with a similar problem, and realising that they had to live in two worlds, sent some of their young boys to the western school. Here they learned English and mathematics for the new business activities. But to retain what was most precious in the old ways they held the other boys in
traditional education to learn garden magic and techniques and the proper way to behave. The Aborigines face a similar choice under very different circumstances. They are far more sophisticated than the Garria. But they are also more desperate, having lost their economic property and cultural certainty. Many of the youths who today express their frustration and anxiety in petrol sniffing, drunkenness and petty violence may find satisfying careers in administrative work for their own people.

Some are already being employed by small Aboriginal organisations. Educated people are required for the larger corporate bodies—the Land Councils, the Land Trusts, and the National Aboriginal Consultative Committee. Such new opportunities should provide new incentives to the young to pay the often heavy cost of success in their schooling. Political action as well as economic progress requires the support of Aboriginal-staffed administrative structures. It is sad that this requires some departure from Aboriginal ways in those places where the old values remain.

The domination of bureaucratic organisation probably offers as serious an obstacle to Aboriginal equality as race prejudice in the general population. Money in Aboriginal hands will tend to offset the general prejudice. If a black man has money to spend it is remarkable how quickly discrimination disappears and prejudice is suppressed. In the old days in Papua New Guinea white Australian counterhands in some stores would regularly refuse to serve a native unless he had a note from his masta, and even then only after any whites waiting had been served. But cash in natives' hands ended all this, especially when it was backed by increasing power in the hands of indigenous politicians. And in many an Australian country town business discrimination against Aborigines declined when they acquired Social Services money to spend. Thus white racism dissolves before black purchasing power. But prejudiced public servants who hold key positions may continue to discriminate in the shelter of their offices without having to account for it. However, this is not so significant an obstacle as the nature of the bureaucracy itself.

The problems of development elsewhere have led to new ideas about administrative methods. These have called into question the efficiency of the Weberian model of public administration for a situation which requires that the people themselves become active innovators. For instance, the principle of secrecy about the process of policy-making hardly jibes with efforts to encourage local groups to decide on what local changes should be made, to help in planning them, and in settling priorities for expenditure. People have to understand and support the
objectives of a program before they will exert themselves and add their support and efforts. This may require involvement by the government officials in new kinds of education or propaganda. The relationship of official to public is then one of partnership. In South Australia for instance one or two Aboriginal groups have participated in drawing up the departmental budget for their areas.

Such stimulation raises problems for the government. One is that people may want to do something which runs counter to national or State plans and priorities or against bureaucratic traditions; or a government health or education program may be against customary law. In either case, a compromise must be found. The skilled community worker is only part of the answer. There has to be a means for the requests of the group to be passed upward through the bureaucracy, and to be either rejected or included in planning and budgeting at the centre of government. With groups scattered through the nation, there must therefore be a co-ordinated national development plan—not easy in the climate of Commonwealth-State politicking. Inevitably any developmental request will involve several departments of government. In the case of Aboriginal affairs, most or all of the Departments of Treasury, Lands, Education, Health, Social Welfare, Works, Labour, Attorney-General, Public Service Board, and (in all cases) Aboriginal Affairs will be involved. Some of these will be State authorities; in some cases there will be both State and Federal departments. One main reason for the high rate of failure in such programs is the near impossibility of inter-departmental integration, at all stages up from the particular project to the central deciding authority. The other is that so few field workers have the special blend of love and skill required.

Aboriginal development presents problems comparable with development in the Third World areas. A major difference is that adequate material resources are available here, if only the will to provide adequate finance and organisation exists. But Aborigines, unlike most Third World populations, have lost control of the basic resources.

Such a situation requires field staff of the highest commitment and competence. But in Australian public services, promotion and salary are linked with hierarchy. The officer considered by superiors to be ‘efficient’ will rise in status and salary only by moving away from the clientele and into the policy-making areas of head office. But these most effective officers are essential in the areas where they are known. A new structure is called for in which higher status and salary are not linked with the higher position in the administrative hierarchy: in which the highest...
What is to be Done? 219

officials might then be called upon from time to time to show their expertise in practice. Or the field worker might rank with the highest officer in the organisation, and initiate new programs on the spot. This is both a necessary structural consequence and a necessary preliminary step to expedite involvement of Aborigines in making the decisions which affect them.

The Aboriginal Councils and Associations Act of 1976 establishes the blue-prints of organisations which the Australian Government proposes to recognise for the purposes of discussion and negotiation. At the time of writing it has not been proclaimed. What follows by way of comment on it assumes that it will be within a reasonable time. It should be unthinkable for government to leave it undeclared on the books. However, one cannot discount political pressures when it is recalled that the consequences of the 1967 Referendum have ten years later not been applied to Queensland. One must also take into account the determined resistance against Aborigines getting the fruits of the Land Rights legislation, and of the opposition to purchases of land by the Aboriginal Land Fund Commission. Or the legislation could be bureaucratically emasculated for financial or other reasons, by handing over its execution to officials as an additional part-time activity.

The Act provides formal means for Aborigines to draw up and present requests, demands and comments. Its purposes are not too precisely delimited (which is proper) and the corporate bodies may be encouraged to set their own priorities.

It must be possible for the government field worker and the council or association to negotiate on budgets and priorities. An official who must think of the impression he is making on his superiors at headquarters will be restricted in this work. He must be given considerable trust and latitude, with an avenue of promotion which does not lead him back into head office. Some time ago a senior Aboriginal officer of the Department of Aboriginal Affairs did undertake some field work in central Australia. I understand, however, that this was during a period of leave, and that to retain his status and salary he had to return to Canberra. For the commitment needed and for rapport, the sooner Aborigines are occupying these field positions the better. Moreover provision of a house within an Aboriginal area for an Aboriginal official instead of a white one avoids a long-standing problem. On the reserves and settlements the first houses built have been for white officials, which has reinforced the white-black bureaucrat-dependent client relationship.
Bureaucracy with an Aboriginal face might win enough confidence from communities to make some system of social reporting possible. For some measurement of social changes arising from new policies is required in terms other than monetary profit or loss. A money loss might well be shown as a sound investment, as if it had been spent, for instance, on education. Sophisticated ‘social accounts’ are still experimental anywhere and may be impossible. But a system of reporting by non-official observers through Aboriginal officials could provide valuable information on trends—for instance on health, school attendance, consumption of alcohol, diet, etc. The group could profitably be encouraged and helped thus to survey its own condition and its own needs, and then to fix its own priorities as a first step to forming a corporation.

Before the policy of assisting Aborigines to establish corporate bodies, and to fund these for development, Aborigines were treated either as individual employees in a labour market weighted against them or as individuals dependent on the government. The significance of the new law is that it provides for legally defined corporations for governments to deal with. Each will, it is to be hoped, operate as a protective carapace for individual members, who may assume new roles and thereby lead new, less dependent lives. Some years back I expressed a hope that ‘perhaps Australian governments have begun to realise that past efforts have been mainly futile because they have been attempts directly to reshape people; and that the best chance for equality for the Aboriginal will come by making it possible for him to make his own adjustments through the establishment and use of free institutions’.

The Aboriginal Councils and Associations Act is an important step in this direction.

Incorporation gets round many administrative difficulties, so long as the basic entity consists of people who believe they belong together, and so long as it occurs voluntarily. The member then gains new responsibilities, and is tied to a program which he has helped to shape. His leaders or representatives know for whom they can speak. They may be chosen by selection or election, as appears proper to the group. The Act provides for election. But this does not really preclude selection. It often happens that a consensus is reached prior to the formal election, which then becomes a legitimising formality. The same thing happens, of course, in many non-Aboriginal voluntary bodies.

Making arrangements with spokesmen who have no institutionalised following is like bargaining with labour leaders who have no trade unions. To ensure that the program for the corporation reflects the wishes

7 Rowley, Outcasts in White Australia, p. 450.
of its members, it should not be pre-determined; that is the new Aboriginal Councils and Aboriginal Corporations should be multi-purposed, with priorities to be fixed by the members. Another reason for this is the shortage of Aborigines with education adequate for leadership in contacts with the Federal and State political-administrative systems. Moreover, to have a number of separate specialised bodies in the one area may present competing programs which divide and confuse. Where a single-purpose organisation like a housing association already exists, there should be no restriction to prevent it from operating in other areas of need. If it is to succeed it will be by so doing.

Suppose we start with a small group still living, as many are, much in the condition typical of the archipelago a decade ago. What are some of the many purposes with which the community might be concerned, if it decides to incorporate? It might well begin with a survey of its present condition—population, schooling, training, wages, unemployment, crime, alcoholism, the police, relations with local government. It has to make decisions as to who shall speak for it to government officers, to employers, to police etc. It will face problems in reception of visitors, travel for social reasons, management of hostels, recreation, housing. Then there may be negotiation of group purchases, guarantees for purchasers of building materials, of furniture, of appliances; liaison with voluntary agencies, educational authorities, trade unions, etc.; the hire of lawyers and co-operation with legal aid services; transport for funerals and seasonal work and so on; the establishment of savings and loan societies; negotiation with authorities and organisation of protests in cases of discrimination. The Corporation may be vested in ownership, as a land trust, with traditional country, or with land purchased by the Aboriginal Land Fund Commission; and will need to organise management of such property. It may decide to take action to preserve and restore traditions and culture. As suggested above, it may attempt some measurement of how things are either improving or falling apart. It will operate politically, as a local pressure group, and may join with other groups in wider-ranging corporate bodies. It will have to accept responsibility for government funds, to discuss priorities with government officers, and may hope to participate in local or State budgeting. It should encourage the young to look for employment on its own staff and in other Aboriginal institutions. It might help to promote health. It might establish Aboriginal clubs. And so on.

Obviously where such bodies begin to function, Aboriginal affairs has become politicised. Advances in any of these areas will bring changes in
status and will depend on a re-allocation of wealth. Investment in Aboriginal groups involves a political decision about who gets what, favouring an ethnic group. It also creates a different relationship with the bureaucracy—how different from the relationship of individual client to government department has not, I think, been fully appreciated. The government official on the spot promotes Aboriginal action—and only indirectly remains an initiator of it. He will receive requests for assistance; and his department will deal with these in accordance with policy. The basic principle of policy should become 'Aboriginal initiative and assistance on request'. This is very different from handing out social service benefits to the poor and the sick and the old in accordance with a political decision by central government. Yet some members of corporations will continue, as sick, poor and old people, to receive pensions.

The Act defines two kinds of Aboriginal institutions. The first is the Aboriginal Council in an Aboriginal Council Area, which apparently may be an Aboriginal reserve which has under the Land Rights Act (NT) become land held in Aboriginal title, or traditional land obtained under the same Act, or an area purchased by the Aboriginal Land Fund Commission (such as a large cattle property). Control of such areas involves certain municipal functions, and councils will discharge, *inter alia*, the responsibilities usual for local government. The other new institution is the Incorporated Aboriginal Association which has no area-government functions. Either type of Aboriginal Corporation is to be 'a body corporate with perpetual succession', may hold land and other property and sue or be sued.

Recognition of a new institution by government involves its registration. The Act creates the statutory office of Registrar of Aboriginal Corporations, with educational, bureaucratic and judicial functions. The first Registrar will discharge critically important duties, which are spelt out in legalistic and bureaucratic terms—for instance, how he is to proceed in setting up a corporation (of either type). There have to be meetings to determine whether the adult people in the group want to incorporate. He must manage elections of the first members of a council and preside over their first meeting; keep a check on the changing objectives of all Aboriginal Corporations, and supervise changes to their rules. He must maintain the registers, and take action in court where necessary to have an Aboriginal Corporation wound up.

Much will depend on the interpretation of these provisions and on the emphasis placed by the Registrar on his educational functions. He will
obviously require a staff of very well-prepared officers, and it is unfortunate that Australian education produces so few persons trained in community development techniques. He and his officials will be at the very forefront of a development program. Here is a most important area for Aboriginal recruitment, education and training. A knowledge of Aboriginal traditions, largely lost in the southern regions, would provide decisive psychological support for such recruits, and could well justify the cost of an Aboriginal Folk High School where the Aboriginal culture, arts and organisation could be made known to boys and girls above school leaving age.

Ten adult Aborigines living in the one area may apply to the Registrar for the establishment of an Aboriginal Council for that area. The provision is obviously for areas where predominantly Aboriginal populations occupy their own land. The municipal functions of the Council are stated in the Act, and the Council may discharge ‘any other function’ of benefit to Aborigines in the area. The Registrar must decide whether a majority of Aborigines in the area want it, and whether the council would be effective: if so, he may gazette it in due course. Then an election must be managed, and the first meeting elect a chairman and adopt a set of council rules: ‘The Rules of an Aboriginal Council with respect to any matter may be based on Aboriginal custom’ (Section 23(3)). Council rules will provide for methods of election, conduct of meetings, staff appointments, management of funds etc., within limits to be set by regulations. This makes possible the executive ‘de-colonisation’ of the old settlement areas. As employees of the Council supplant those of the Department, no doubt a few whites will be retained: but black families will begin to replace the whites in the best houses on the reserves. The Council may raise or borrow money and invest it ‘as it thinks fit’ (Section 29).

Its by-laws do not apply to non-Aborigines in a council area. This is an unfortunate limitation. A council may need to protect its ceremonies and other activities from disruption by whites, and to prohibit the sale of liquor in its area. Its rules should apply to all in that area. Municipal government is indivisible: for instance should a white person in an Aboriginal area avoid the council tax? Despite inevitable protests from whites it seems necessary to amend this provision (Section 30(9)).

When the Act is proclaimed, an Aboriginal Association (other than a Council) already established may apply for incorporation (Section 43(1)). Its rules also may be based on Aboriginal custom. If the Registrar refuses to register an Association, he must indicate what
changes in the rules are necessary for it. Only Aborigines may be members. Probably this is the best answer to the question of ‘who is an Aboriginal?’—that an Aboriginal is a person who at eighteen may be a member of an Aboriginal Corporation. The corporation may hold land, raise or borrow money, and alter its objectives. Such alterations must be registered—I do not know why; but at least a corporation can legally become multi-purposed. It may be wound up by a court, or voluntarily. The Registrar may apply to a court to have it placed under ‘judicial management’ (Sections 68-71): and the court may then cancel its contracts—perhaps to protect its members from sharp business deals. Land is excluded from assets which may be disposed of if it is wound up (Section 66).

There are risks in that these arrangements are for Aborigines only. It would be especially unfortunate if they opened the way for pressure to prevent Aboriginal groups from incorporating under general company law. Bodies established under this Act may be seen by some Aborigines as potential instruments of government control, especially if government were to decide that only these corporations could be funded. But there are risks in all new institutions. In the absence of precedents and conventions, they may be manipulated for ends not envisaged when they were designed. One might well reflect here on the fates of over a hundred constitutions, perhaps with as many economic plans, designed for the new nations arising from the ashes of the colonial phoenixes—or even on what has happened to the Australian constitution in spite of the conventions. A basic law to establish Aboriginal rights, when proclaimed, will be launched into a world with many predators. Perhaps the best safeguards are to be found in new institutional arrangements at the centre of power, involving some changes from the usual Australian Public Service structure. It is to be hoped that in a tradition already established governments will also fund Aboriginal bodies incorporated under the general company law applying in the relevant State or Territory.

So much depends on the first Registrar and his officials that they need to be both experienced and able to devote all their time to this work. Any lower priority would indicate the usual bureaucratic priorities and resistances. It is probable that the Registrar’s administrative support should come from a body less bound by bureaucratic traditions and practices than the present Department of Aboriginal Affairs. But if he is to be an official of the Registrar-General’s Department the emphasis will probably be too heavily legalistic. The field staff should essentially be of the multi-purpose community worker type, with a knowledge of
Aboriginal problems. They should be responsible to an organisation which is specialised in Aboriginal affairs but somewhat freed from the usual Public Service Board controls.

This matter is involved with an additional question of what the arrangements for interaction between Commonwealth Government and Aborigines should be—a question urgently in need of settlement.

At the end of the 1950s the political horizon of most Aborigines extended only to the government of a State or Territory. Their attention was in the main concentrated on those officials of Aboriginal welfare organisations who constituted their main link with government. The most common link was through the police protector, a policeman with many other duties. But from 1957 the Federal Council for the Advancement of Aborigines and Torres Strait Islanders, a voluntary body of whites and blacks, with the whites then very much dominant, began to play a national role. It exerted for over a decade a most important influence in articulating Aboriginal interests and in mobilising public opinion. Its aims were full citizen rights, equality in employment and Aboriginal ownership of reserves. But its annual meetings opened up many other issues. For instance they helped to formulate the first demands for land rights. The Hiatt Report credits this organisation with influencing the Federal Parliament on the need for the 1967 Referendum.

Following that Referendum came the establishment of the Council for Aboriginal Affairs of H. C. Coombs, W. E. H. Stanner and B. G. Dexter. This body set out to establish means of consultation with Aborigines in each State and Territory through a series of conferences to formulate advice to the Australian Government.

It was January 1972 when the Aboriginal Embassy appeared for the first time in front of Parliament House, Canberra and was removed by police. Later in that year the minister called a National Conference of Aboriginal representatives to advise him. The meeting recommended that the role of advising should be vested in a national body elected by Aborigines.

In December 1972, forty-one members of the National Aboriginal Consultative Committee were elected from forty-one electorates. Since then the NACC has made hundreds of recommendations to government. But its main preoccupation has been with the attempt to transform itself into the National Aboriginal Congress. In late 1975 the National

8 The Role of the National Aboriginal Consultative Committee, Report of the Committee of Inquiry, AGPS, Canberra, 1976, p. 9 (Hiatt Report).
Aboriginal Congress Administrative Association Limited was incorporated under the company law of the Australian Capital Territory.9

These moves were attempts to be recognised as the political organisation with which government negotiates on all Aboriginal matters. The Department of Aboriginal Affairs would have been a somewhat unusual arm of the bureaucracy had it not seen this as a threat to its role of policy formulation and consultation with the minister. The NACC suffered from lack of effective administrative supports and procedures, so that 'off the cuff' resolutions were sometimes passed without careful check as to their wisdom or consistency.

It had become obvious that for its own purposes the Australian Government required a national institution representing Aboriginal views, and to act at least as an advisory body. The NACC had been established on the principle of one person one vote by direct election managed by the Commonwealth Electoral Authority. Its forty-one electorates cover enormous areas outside the cities and impossibly mobile populations within them. Perhaps a more serious handicap was the comparative lack of local institutions to articulate and formulate Aboriginal interests and views. Such support is generally provided to State and Federal politicians by the political parties and their branches. Without it members of the committee have lacked policy guidance from their constituents, and formal decisions to quote in their own defence. They have had to deal with a rising political consciousness, which more recently has been stimulated by the establishment of the Aboriginal Associations.

In 1975 I recommended to the Royal Commission on Australian Government Administration (the Coombs Commission) that if the NACC would agree, there should be one additional member elected from each electorate—a 'special' member with experience in an Aboriginal organisation. The NACC could only benefit by having among its members a high proportion with experience in the building of new institutions and with that support. Those with this experience often saw themselves as better qualified to represent Aborigines than the elected members. Advantages of the second member would also include greater ease of communication with the electorate, and a possible sharing of functions—the original member to be concerned with problems of individual electors, and the other with those of corporate and other associations in the electorate. One weakness of this might have been that there would have been too many members (unless the electorates were changed). There might have been a more balanced representation in the

9 I am indebted to the Hiatt Report, pp. 9-46, for a succinct summary of these events.
States and the Northern Territory. This could have made possible State or Territorial Assemblies, to establish formal Aboriginal relationships with the other parliaments of the Australian federation. In spite of the constitutional change resulting from the 1967 Referendum, basic powers in vital matters like land, labour, education and health legislation remain with the States.

My experience with the NACC was unfortunately a brief one, as a consultant to the Coombs Commission. But it was at least long enough for me to be impressed by the difficulties it was facing, with a quite uncertain future, a situation where it must try to operate without the finance for an administrative support of its own, and with no structure at all at the State level. Its members could well have been excused for thinking that their role was a token one. More recently the situation has been very effectively examined by a Committee of Inquiry led by Dr L. R. Hiatt (Hiatt Committee) with the NACC Chairman as one of the three other members. The Committee reported after a thorough study of situations throughout the country, and the government intentions recently announced are stated by the minister responsible to have been based upon its Report. This states that in spite of all its handicaps, the NACC had captured the attention of Aborigines over wide areas, and had helped to make them realise that they now form a real political force.

For its own meetings, the NACC has had to depend on departmental clerical and administrative services. This might have been adequate if the members saw themselves only as members of an advisory organisation, which is the role so far recognised (in spite of the incorporation of NAC Ltd). But it has taken up an increasingly critical attitude to the Federal bureaucracy, and on occasions to the minister, mainly in its effort to obtain a nationally recognised constitution which would give it a national representative and political role. Where there is a lack of institutions through which a minority can press for justice and assistance, its spokesmen will use those which are available. NACC members have not been willing to observe the nice distinction between a representative and an advisory body; nor that between an administrative and a political one.

Nor have they shown concern that designations they adopt should fit the purposes of the government and its officers. That the term for the

10 The Role of the National Aboriginal Consultative Committee, Report of the Committee of Inquiry, AGPS, Canberra, 1976.
11 Department of Aboriginal Affairs, Media Release, I.V. 77/26 of 30 May 1977.
12 Hiatt Report, p. 57, note 11.
first temporary but effective political institution was 'Aboriginal Embassy' was, I think, not from ignorance but from defiance. When a benefactor made his home, in the most exclusive area of Canberra, available to the NACC it was named after the first Embassy. The same defiance has moved the members to call their Executive Members (each of whom is concerned with a field of Aboriginal affairs corresponding more or less to a department of the government) 'ministers'; which I believe has irritated some officials (and ministers). There has also been a lack of attention to the niceties of bureaucratic negotiation; and some officials rightly feel that they have been misrepresented and abused. Yet it was inevitable, from the background we have examined, that NACC members would engage in a somewhat emotional form of politics. And how could most of them have known much about the conventions of debate? After all, even when they were at their most abusive, they were merely echoing the raucous voices of white politicians.

When the first House of Assembly was elected in Papua New Guinea, a special course introduced members to the roles they were to play. The NACC had to invent their own. It seems to have been assumed that they would operate as a subordinate wing of the Department of Aboriginal Affairs, which in turn assumed that they would follow the rules of a public meeting.

At the first meeting I attended, in early 1975, they were finding their own way, I think successfully, through great difficulties. A question which arose when they met away from the department (this meeting was in Townsville) was how to regard Aborigines, many of whom had come a long way to see them, and saw no reason why they should not enter into the discussions. They were made welcome to do so, and did; which played havoc with the agenda. This was probably good tactics. Some of the unofficial participants made it clear that they regarded the members as a lucky group, who for no particular reason had acquired new riches and ought to share them. Obviously a system of standing orders was required; and it would best be developed by the NACC with the help of an experienced parliamentary officer. Also required was a committee system, with each committee chaired by the relevant 'minister' and provided with resources to meet before each plenary session, to ensure that important issues are not passed over, and that definite resolutions are put to the plenary session.

The developmental process required an institutionalised relationship between government, bureaucracy, and the institution which articulated the Aboriginal pressures for change—the NACC (or NAC). And as we
have seen, it also requires a differently oriented bureaucracy for Aboriginal affairs, with its own 'organisation and methods' tradition, which emphasises recruitment, education and training of Aborigines, acceptance of initiative from the special public, development administration tactics, and a community development strategy. A step in this direction could have been taken by granting the change desired by the NACC, that its own constitution as a National Aboriginal Congress receive the kind of recognition given (say) the Australian Council of Trade Unions of its special-interest political and bargaining roles.

It seemed to me that the institutional framework should be such as to enable the government to manage a process of development without tightly controlling it. Where the interests of one or more sectional groups are articulated through a set of institutions, as is the case for instance with labour-management administration, government will wish to control the situation; if it is good government it will do so by legally providing (in labour matters largely with the Conciliation and Arbitration Commission) for an arena for continuous negotiation. The Aboriginal question should be managed through a pattern of bodies corporate, recognised as representing the sectional and political Aboriginal interest, extending upwards through the political system from the Councils and Associations through State assemblies of Aboriginal representatives to the central NAC or its equivalent. The Hiatt Committee recommended the establishment of just such an institutional pattern—first, that there be a National Aboriginal Congress; and its further recommendations improved considerably on my own somewhat sketchy suggestions as to its constitution. The Committee retained the principle for direct election of members, one from each of forty-six electorates; and recommended that 'formal meetings ... take place at three levels—State Branch meetings ... four times a year ... National Executive meetings [also four times a year] ... and plenary sessions to be held not more frequently than once a year'. Thus all are initially elected, for the State and the national assemblies, directly; and the National Executive is to 'be formed by delegation from the State Branches'.

Regular meetings of the State branches could bridge the gap between the basic organisations and the centre, which is essential. But the election of the National Executive by the separate State branches could be divisive. Had it been proposed by the bureaucracy I would have suspected a move to counter radicalism as exemplified in some of the

13 Ibid., p. viii.
14 Ibid., p. ix.
NACC Executive Members by getting a more balanced area representation, and offsetting the influence of the more urbanised members. The Northern Territory, Western Australia and Queensland were each to have three executive members, South Australia two; while New South Wales and Victoria-Tasmania were to have one each. This representation on the important National Executive was to favour States with the higher populations. It does at least ensure that those handicapped by language and culture, and by remoteness from the centres of national politics, will be fairly represented. But in this kind of situation it is not the number of radical members, but the ideas of one or two of them, along with the new ingredient of hope that change may actually be brought about, which produces pressures for rapid change. Thus if the main reason in having the State bodies, meeting away from Canberra, as the basic institutional shape of the 'new NAC' was to have a more amenable National Executive, the effect is not likely to last for very long.

But the central question to be faced was that of the relationship between the NAC and the government, especially the Commonwealth Parliament and the Department of Aboriginal Affairs. What was to be the structure for negotiation, and how were the representations of the NAC, articulate through the NAC system, to be passed on to the institutions responsible for legislation, budgeting and general services? I had suggested (to the Coombs Commission) the immediate establishment of an Advisory Committee on Aboriginal Development. This was to advise the Secretary, Department of Aboriginal Affairs. It was to include as members five Executive Members of the NAC, and representatives of government departments involved in Aboriginal matters. Of the latter, the Secretary, Department of Aboriginal Affairs was to be Chairman. It should advise the minister through the Secretary. If the Secretary departed from the advice determined in the Committee he should inform the minister of where this advice differed from that of the Committee.

This was to be an interim step. The Committee was to take over progressively policy functions from the department, and over a period of five or six years be established as a statutory Commission for Aboriginal Development, in control of policy and field staff, leaving the department with some residual secretarial functions for the minister.

Such a solution was obvious enough in principle. How else to bring the Aboriginal and the national interests into a continuing institutional interaction? The Hiatt Committee agreed with the principle. It
What is to be Done? 231

recommended an Interim Commission for Aboriginal Development of ten members. Five are to be from the NAC, four other Aborigines to be appointed by the Minister, with the Secretary as Chairman. The statutory Commission is to be established by 1980.

My own view was that it is more important to have four representatives from departments other than Aboriginal Affairs than to include four more Aborigines. For a single department of government servicing a whole range of needs for its special clientele tends to duplicate the work of other departments, while the conflict of aims and dispersal of effort results in less effective service. I have mentioned the difficulties of inter-departmental integration in 'development' planning and execution. It would be an advantage to have the whole program planned with involvement of all departments concerned. Those not represented directly on the Commission, which probably should not have more than ten Commissioners, could be co-opted as required.

The Hiatt Committee preferred (for obviously good reasons) that all members but the chairman be Aboriginal. It may be that the Aborigines nominated to the Committee by the Minister could be selected from Departments like Education, Health, Employment and Industry, Attorney-General. This is not to deny the importance of the role which the Department of Aboriginal Affairs must play for a few years yet. It has played a significant part in the change in government policies; and the humane and effective policies advanced by the Council for Aboriginal Affairs have not (yet) been overwhelmed by the influx of more bureaucratically oriented officials. Indeed, commitment to a humane policy tends to prove contagious.

As I conclude this book, a media release from the department presents a ministerial statement based on the recommendations of the Hiatt Committee, and states government intentions. Whether or not these intentions come to fruition the Hiatt Report marks a major advance in the definition of practical steps to enable Aborigines to enter the political life of the nation, and to strive for a just share of its wealth and opportunity. The Minister for Aboriginal Affairs, Ian Viner, showed imagination in appointing the Committee and, one can only guess, political skill and determination in persuading a not very progressive Cabinet to go so far in accepting its recommendations.

The statement foreshadows the establishment of a National Aboriginal Conference—not Congress, probably because the latter term has been pre-empted by the National Aboriginal Congress Limited. The general

structure is that argued by the Hiatt Report. There is to be a Council for Aboriginal Development on the model described in the Report; and the 'new NAC' is to have a charter setting out its functions and its relationship with the Minister. There will be three fewer members on the National Executive than the number recommended; and it will be elected by the State branches as recommended. Neither document expounds on the potential of the State branches, which could have a considerable impact in Queensland and the Northern Territory. There is a promise of government finance for staff and administrative costs.

The Council for Aboriginal Development, however, is described as a purely advisory body. Yet it may clearly by-pass the department, and is to be 'the formal advisory body to the Minister for Aboriginal Affairs, and through him, to other ministers or Commonwealth authorities'. After 'a year of operating in ... an environment of mutual confidence and responsibility' it may become a statutory body as the Hiatt Committee recommends. But there is no mention of the phasing out of the department from most of its present responsibilities; and this I believe is the only way to get a more logical administrative-political structure.

However, the whole short history of the NACC has illustrated the inevitability of any national Aboriginal 'advisory' body becoming something more than that. Whatever the formal limits Cabinet has placed on the role of the new NAC and its Executive, it must press the Aboriginal interest by every political means, approved or otherwise, at its disposal. Such activities will give a continuous experience of modern politics. The very act of election makes the NAC primarily a political body, which will continue to mobilise the Aborigines to a cause of their own, as the NACC has done.

One has to be cautious. A ministerial announcement is a long way from established legislation. There will be resistances in parliament. The proposal for an Aboriginal body which is to be the 'formal Advisory body to the Minister' and to other ministers may provoke bureaucratic resistance. Moves for a Commission with statutory powers will be even more threatening to career hopes, and would meet wider political resistance, stimulating further the backlash already roused by the Land Rights Act of the Northern Territory. Political parties, ministers, governments change. Reforms have often enough been proclaimed, and been frustrated by financial restraints. These are normal political risks. If even such moderate changes as are foreshadowed in the media release can be made, for the first time there will be a complete set of Aboriginal

16 Ibid.
institutions, with a means to make direct representative approaches to government, and backed by organisations at the Council and Association, and at the State level. One objective, inevitably, will be to take over functions at present carried out by the department.

Future developments should, I believe, include the passing over of 'field' operations to a statutory Commission, and a rapid increase of Aboriginal staff. I understand that the numbers of Aborigines in departmental employment has been decreasing. A Commission may be vested by statute with powers to depart from some of the bureaucratic norms—for instance, to separate the status and salary of an official from the job, so that the most efficient officer for a particular place or job may be left where he is without losing promotion. The essential change from welfare activities to developmental efforts opens up a whole field of experimentation, in which few established public servants would willingly risk their careers. This should facilitate the staffing of the Commission with a majority of Aboriginal officers. The Commission could set its own standards for recruitment and training. But it should also provide a special avenue for Aborigines to enter other branches of government. The department should, I believe, now set definite goals for increased employment of Aboriginal officers, so that at least half the total field staff, and staff concerned with policy, will be Aboriginal at the end of (say) ten years. Plans should be made for setting up special training arrangements for the kind of field work indicated above, and for clerical and administrative employment also. A goal of just over one per cent of Aboriginal public servants in Commonwealth and State bureaucracies would provide proportionally 'equal' representation. Because of the emphasis on Aboriginal business in the police forces, increased Aboriginal recruitment as policemen is necessary. Resistance will insist on 'merit' and experience as bureaucratically defined for appointments and promotion.

All these hopes and proclaimed intentions for a structured relationship with government may be frustrated for reasons of political or bureaucratic expedience. Acts may be passed only to lie unproclaimed. If all the proclaimed intentions are realised they do no more than clear the way for Aborigines to assert themselves in the complex interaction of pressure politics. Before this book comes from the press, much of the (I hope guarded) optimism of this conclusion may have been rendered out of date by government readiness to succumb to political opposition. The moves to subvert, infiltrate and mislead the more active Aboriginal associations, such as the Land Councils and communities which in time
will incorporate as Land Trusts, had already begun in the Northern Territory and the Legislative Assembly. This body was preparing its version of what Aboriginal institutions should be allowed to do when the Aboriginal vote greatly reduced the reactionary majority.

Yet this is the stuff of real politics today. At last Aboriginal man has begun to defend himself by acting like modern political man. It is a challenge to him that he surmount, with all the help he can get, all these hindrances, and for the benefit of the rest of us, as well as his own, retain those essential qualities which are Aboriginal.

Conflict about rights and justice may well increase, because we cannot be certain of the results of what we do. There will be unforeseen and disappointing developments. Whites will not willingly give up positions of advantage, hopes of profit, or convenience, especially for blacks. On the Aboriginal side deferment of hopes once raised brings bitterness, and in many areas their hopes have certainly been raised. They will make increasing demands for social equality and economic opportunity now, in their own lives, not in those of their grandchildren. Such demands are demands for rapid changes in public attitudes. As such changes are uncertain to say the least, the risks of more serious conflict do exist.

But such a prospect is fundamentally different from the hopelessness of even the recent past. New institutions and new government policies mean that instead of waiting for justice Aborigines can do something to win it. Adherence to an articulated cause centred round Land Rights makes them full-grown political men and women. Liberty has to be assumed by the individual and lived. One goes a long way to attaining it by assuming it. That Aborigines have found ways of their own to do so has already had considerable effect. One of the ways found in the past, by the marngu round Port Hedland and the Gurindji on Wave Hill, involved incorporation under the white man’s law to defy its agents.

The Aboriginal Embassy was not by any means the first organised defiance. But if we can regard it as a temporary institution, it has proved the most effective one in catching the attention of the nation. For it was a challenge to the supreme national institution, the Commonwealth Parliament, and it was launched with telling symbolism. Four years later that Parliament provided legally for free Aboriginal institutions, and for casting a protective carapace over them. Perhaps a modest optimism is possible—that at least within the institutions which are to become part of the Australian political system the small scattered communities of the Aboriginal archipelago will continue to exist as oases of justice.
I conclude with a quotation from a recent letter, written to me by a lady of part Aboriginal descent who is learning to hope and to assume equality.

I have never denied who I am, I just did not admit it out aloud. I came to a point in my life where I thought I would fall apart from the inside out, so I sat down and started to get myself and my priorities in order. I so very much want to help those of my kind caught in the middle of nowhere, with nowhere to go except just to exist ... I feel that [the Aboriginal] must take off on his own and lift himself to where he ought to be ... so our children will not feel this empty ache ... I just don't want my life to go for nought. Even if I cannot do much my life will touch someone else ... I don't look like what you would expect an Aborigine is supposed to look like, yet I went though all the drama you would expect a child born on a reserve in the 40s would be subject to: blacks this end of town, this side of the pictures, only this shop and all you get up the back of the class-room ... I guess I found it difficult because 'they' that made these invisible barriers were no different than I.
Aboriginal administration: general, 1, 4, 7, 34, 92, 129; Commonwealth, 8, 10, 14, 56, 57, 71, 135-6, 146-7, 150, 173, 180, 183, 207, 214, 225; States generally, 8-9; by States: NSW, 186, NT, 80, 142, 144-5, 149, 172; Qld, 6, 13-15, 18, 45, 62-3, 72, 80, 81, 86, 87, 93, 96, 128, 140, 142, 150, 152, 168, 171, 210; SA, 142; Tas., 142, 210; Vic., 121; WA, 153-7; by Aborigines, 144; see also Institutionalisation, Legislation, Litigation, Police
Aboriginal Affairs Act Amendment Act 1966-67, 144
Aboriginal 'archipelago', 14, 17, 18, 39, 74, 138, 221, 234
Aboriginal 'communities', 136-44; administration, 138; 'trustees', 137-9; punishments and penalties, 144
Aboriginal Councils, 39, 134; appointment of councillors, 134; Central Australian, 209; legislation, 173; powers needed, 185
Aboriginal Councils and Associations Act 1976, 128, 152, 173, 183, 208, 215, 219
Aboriginal Courts, 186
Aboriginal Development Council, 19
Aboriginal economy, 28-9, 40, 52
Aboriginal Embassy, 1, 2, 225, 227-8, 234; and Commonwealth Government, 1; political implications of, 1, 2; significance of, 18; symbolism of, 1, 4
Aboriginal Inland Mission, 161
Aboriginal institutions, 222-3
Aboriginal land: 'Aboriginal land', 77; claims to, 77; permits to enter, 74; reserves to be declared, 74; to be proclaimed, 74; transfer to Aboriginal groups, 77
Aboriginal Land Councils, 73, 74, 77, 81; and bargains with mining companies, 78; Central, 73, 74; North, 73, 74; South Australian precedent, 73-4
Aboriginal Land Fund Commission, 60, 61, 64, 80; appointment of white 'experts', 100; purchase of Archer River Station, 140; purchases of cattle stations, 100, 140; purchases of land, 80; Queensland Government refusal to transfer lease, 140
Aboriginal Land Rights Bill 1975, 77; and mining interests, 77; 'national interest', 77
Aboriginal Land Rights Act 1976, 51, 62, 64, 77-80, 153, 175; Labor Party attitude to, 78; opposition to, 78; property settlements under, 175
Aboriginal Land Rights
Commission, 51; Interim (First) Report, 73; Second Report, 72; see also Woodward Report

Aboriginal Land Rights
Commission, Second Report, 72-7; recommendations, 72-6; terms of reference, 72, 73; see also Woodward Report

Aboriginal land title, 104

Aboriginal Land Trust Act 1966, 143

Aboriginal Legal Aid, 56

Aboriginal Legal Service, 45, 46, 127, 176, 177, 189; lack of funds, 191

Aboriginal organisation, 6, 11, 13-14, 24, 27, 29, 34-5, 56, 57, 70; future development, 233

Aboriginal political systems, 29, 30, 31, 40

Aboriginal Protection Acts, 118

Aboriginal School, Parramatta, 129

Aboriginal Secondary Grants Scheme, 201

Aboriginal Settlements, 45, 139, 154; change in role of whites, 152; entry to, 149; investment in, 150; Northern Territory, 151; Queensland, 139; Western Australian program for closing down, 153

Aboriginal skills for survival, 30, 39, 95

Aboriginal stations, 7, 132-3; Moola Bulla, 155; Munja, 156; numbers on, 133-4; Queensland, 133; restriction in, 134; sold off, 157; trade union support for, 155; Violet Valley, 155

Aboriginal surveys, 122, 125

Aboriginal Welfare Acts, 118

Aboriginal Welfare Boards, 116, 133; authority for demolition, 119

Aborigines Act 1905 (WA), 154

Aborigines Act 1971, 135, 137

Aborigines Regulations of 1972, 135n., 136, 138

Aborigines and Army, 96, 146

Aborigines and Labor Government, Labor Party, 70, 78

Aborigines and police, 1, 44, 45, 84, 86, 105, 110, 118, 189, 191-2

Aborigines in Public Service, 10-11

Aborigines and Courts, 176

Aboriginal initiatives, 208

Aboriginal warfare, 37-8

Aborigines in professions, 3

Aborigines Inland Mission, 113

Aborigines Progressive Association (NSW), protest by, 12

Aborigines and Torres Strait Islanders' Regulations 1966, 135n.

An Act to make provision for the Better Protection and Care of the Aboriginal and Half-Caste Inhabitants of the Colony, etc., No. 17 of 1897, 142

Alice Springs, land rights, 153

Anthropology, 16; in Latin America, 16; as aid to colonialism, 16; see also Scientific studies

Apprenticeship, 121

Aranda Aborigines, 29

Arnhem Land Reserve, 65, 82, 86, 140, 153, 167, 203

Aspirations, 10, 11, 13, 14, 60, 61, 72, 81-2, 99, 136, 235; of children, 199-201 passim

Assemblies of God, 113, 161

Assimilation, 7, 18, 96, 116, 117, 119, 132, 140, 143, 147, 156, 165, 168, 210; and work tests, 210; Indices of Assimilation, 148; in Northern Territory, 172

Attitudes: towards Aborigines (generally) 2-22 passim, 33, 42-4 passim, 53, 77, 83, 88, 90, 94, 112, 114, 123-4, 159-60, 191; (Northern Territory legislature) 77; (station managers to
Aboriginal dependants) 87, 96; by Aborigines (generally) 3-6 passim, 11, 13, 16, 24, 33, 43, 53, 55, 90, 126-7, 159, 188-91, (children) 200, (court proceedings) 168-91, (education) 193-4, (higher education) 199-201, (institutions of justice) 33, (scientific studies of themselves) 12, 16

Aburukun Aborigines, 63, 72, 139, 169, 170; and education, 169, 170

Australian Department of Aboriginal Affairs, 10, 60
Australian Institute of Aboriginal Studies, 16; emphasis on co-operation in research, 16
Australian Mining Industry Council, 78-9; opposition to Aboriginal Land Rights Act 1976, 79
Australian School of Pacific Administration, 149
Australian Workers Union, 102

Band, as social unit, 66
Banjalong Aborigines, 167
Banjalong Pentecostal, 167
Barwick, Diane, 7
Beef industry, see Pastoral industry
Bennett, Mrs M. M., evidence at 1934 Royal Commission, 155
Berndt, Professor R. M., giving evidence on existence of Aboriginal Law at time of settlement, 66
Biles, David, on Aboriginal prison population in South Australia, 191
Biskup, Peter, 155
Blaney, Professor G., 37, 38, 39
Bleakley, J. W., 96
Borrie Report, 123
Bougainville Copper, 71
Bourke: attitude of Child Welfare Department officers, 203; psychiatric study of children, 203
Broken Hill Proprietary Company: consultation with Aborigines, 71; mining on Groote Island, 64, 71

Bureaucracy: general, 2, 7, 10-11, 18, 20, 21, 26, 32, 45, 49, 59, 113, 132, 133-6, 207, 209, 210, 212-13, 216; Aborigines in, 8, 10, 209, 213, 216, 218-20; opposition to change, 207

Calley, Malcolm J. C., 166-7
Cape York, 86
Carrolup Settlement, 154; as farm school 1951, 156
Cash economy, 50, 80, 84, 89-93 passim, 100, 153
Cattle industry, see Pastoral industry
Census, 8, 115, 125-6, 133, 146; Darwin roll of full-bloods, 145
Central Reserve, 86, 156
Child Welfare Department, attitudes, 203
Children, 2, 3, 23, 52, 115, 193; and missions, 162-3; drinking, 61; education, 3, 6, 7, 9, 12, 14, 15, 115; forcible removable, 7, 85, 120, 140, 146, 156, 162-3, 170-1, 194; health, 3, 197; in traditional circumstances, 195; petrol sniffing, 52; powers of welfare authorities to commit to institutions, 120; Queensland Protectors as guardians, 120; Declaration on the Rights of the Child, 205

Citizenship, 8, 49
Clans, 30-1, 35-6, 66-7; as landholding group, 66; as religious unit, 66; return to traditional country, 16

Colonialism, 3-7 passim, 16, 21, 55, 65, 84, 87, 92, 112, 129, 141, 171, 181; industrial, 91; ideology,
99-100; and local courts and rules, 181
Colour of skin, 2, 7, 12-13, 14, 47, 105, 111-15 passim, 193, 201; and employment opportunities, 202; and institutionalisation, 202; effect on children, 202; hierarchy within, 12-13
Commission of Inquiry into Poverty (Aust. Govt.), 215
Common policy towards Aborigines: first attempt, 14, 18; lack of, 15
Commonwealth Child Endowment Act 1941, 116
Commonwealth Conciliation and Arbitration Commission, 18, 149, 179, 180; see also individual cases
Commonwealth Government: and Aborigines, 8, 14, 51, 57, 60, 64, 70-3 passim; in Papua New Guinea, 71; policies, 86
Commonwealth Parliamentary Committee, October 1976, 52
Commonwealth Social Services Consolidation Act 1947-1950, 210
Community areas, 75
Community advisers, 152
Companies, Aboriginal, 22, 57, 63, 71; see also Incorporation
Companies, overseas, 72, 76; ‘absentee’, 88, 93
Compensation, 4, 24, 65-9, 81-3 passim, 178; through Port Phillip Protectorate, 94
Conciliation and Arbitration Commission, 96, 97; setting wage rates 1965, 97
Convicts, 85
Contact between races, 17
Cook, Captain James, 42
Coombs, H. C., 151, 225
Corporate Associations, 220-1, 222; for housing, 152; for general development, 152; appointment of own advisers, 152; subsidies for payment of, 152; changes likely, 178; powers needed, 185; approach to business activities, 216; Registrar of Aboriginal Corporations, 222-4
Coranderrk Reserve, 7, 131
Council for Aboriginal Affairs, 71, 151-2, 225
Country towns, 110; housing in, 111
Crime, 33, 52, 186, 187
Cummeroogunga Reserve, 7, 131
Custom, 24, 27-9 passim, 46, 136, 181, 182; weight given to in Australia, 181, 182; weight given to in Papua New Guinea, 181
Daley River, 89
Darwin, roll of full-bloods, 145
Darwin, Charles: description of corroboree, 42-3, 159; on dislocation of nomadic life, 162-3
Davenport Aboriginal Station, 143
Day of Mourning, 8
Declaration of Barbados, 16
Declaration on the Rights of the Child, 205
Definition of Aboriginal, 111; consequences of (Qld), 112
Department of Aborigines (WA), early history, 154
Department of Aboriginal Affairs, 80, 151, 213-14; takes over State personnel, 150; Queensland defiance, 150; changes in attitude with Paul Hasluck as Minister, 146-7; purchase of cattle station for Aborigines, 80; recruitment of Aborigines, 213, 214; spending of funds, 215; future, 231
Department of Aboriginal and Islanders Affairs, 139, 140; conflict with Australian Government, 137-9; ‘Daian’ officialdom, 139, 140
Development, 73, 80, 91
Index 241

Dexter, B. G., 151, 225
Director of Aboriginal and Torres Strait Islander Affairs, 134
Director of Welfare, evidence to Conciliation and Arbitration Commission 1965 on housing, schools and health services, 97
Discrimination, 46, 47, 217; in civil law cases, 177; in hotels, 61
Dispersal, 86, 96, 141
Drinking, 5, 6, 13, 17, 52, 64, 65, 90, 184-5, 186-7; exemption certificates, 187; as offence, 119; on reserves, 119; police and court procedures for Aborigines, 187-8
Dubbo, as centre of protest movement, 105
Duncan, Alan, 201
Education, 3, 6-8, 14, 97, 99, 106, 107, 120, 129; Aboriginal Secondary Grants Scheme, 201; Aboriginal School, Parramatta, 129; Aboriginal Folk High School, 204-5; bi-lingual schooling, 204; evidence of Director of Welfare to Conciliation and Arbitration Commission 1965, 97; ‘disruptive influence’, 194-6; distrust of those with higher education, 199-200; legal, 176-7; statistics in the 1970s, 106; statistics in 1960s, 115; in New South Wales, 154; policies, 194; prejudice, 193; on reserves, 199; teachers and racism, 203; in Western Australia, 154
Eggleston, Elizabeth, 45, 180, 187-8, 289-90; on Aboriginal drinking and vagrancy, 189; on Justices of the Peace, 189-90; on police and court procedures, 187; on proportion of Aborigines gaoled, 191
Elizabeth Village, 17
Elkin, A. P., 57, 115, 156
Ellis, M. H., 161

Employment: generally, 6, 8, 10, 14, 15, 17, 47, 52, 56-7, 58, 71, 85, 117, 129, 201-2; in Aboriginal organisations, 133, 217; Asian labour, 85; apprenticeship, 121; cattle industry, 94-5, 98; contract labour, 92; contrast with Papua New Guinea, 95; in country towns, 102; and European migration, 98-9, 106-7; of convicts and ticket-of-leave, 85, 88, 93; in gold rushes, 88; Groote Island, 71; horse-breaking, 85; incentives, 95; indentured labour, 94; industrial colonialism, 91; in Public Service, 213, 233; recruiting and controlling native labour, 92; ‘slow’ workers, 94, 97, 179; sheep industry, 88; shepherds, 88; stockmen, 94, 98; seasonal, 14, 94, 106, 117; trackers, 85; teacher’s assistant, 204; of wards, 148; of white ‘experts’, 100-1; in wartime, 104, 125, 146, 155; on Wave Hill Station, 58; women, 85, 88, 96, 197; see also Unemployment
Environment, 72
Equality, 6, 11, 13, 15, 20, 63, 80-1, 107, 123, 128, 184, 235; in legal services, 184
Exemption Certificate, 13, 187
Extermination, 3, 4, 17, 89, 141, 142; East Kimberley 1926, 155; North Queensland, 189; reaction against by Queensland, 86, 141-2; in Tasmania, 142

Families, 30, 56, 57, 199; see also Clans, Kinship
Federal Council for Aboriginal Affairs, 170
Federal Council for the Advancement of Aborigines and Torres Strait Islanders, 225
Ferguson, William, 113, 116, 117; and Day of Mourning, 8
Integration, 150
International Work Group for Indigenous Affairs Copenhagen, 16

Jeffrey, Bill, 58, 59
Jones, F. Lancaster, 116
Juries, 191
Justice, 20-2, 24, 27, 33, 42, 43, 46-7, 81, 108-9, 156-7;
Aboriginal system, 36; as applied to Aborigines, 188-91; at
Gurindji country, 58; institutionalisation of, 21-3, 24-5, 32-3; in Papua New
Guinea, 48; percentage of Aborigines charged, 188; Police and
court procedures for Aboriginal offenders, 187-9 passim; for Yirrkala, 65; see also
Injustice

Justices of the Peace: Eggleston on, 189-90; need for legal training, 189

Kamien, Dr Max, 203
Kanakas, 15
Kariel, Henry S., 212
Kelsey, Brian, 183
Kimberleys, 56, 80; purchase of and for Aborigines, 80; wages paid, 79
Kinship, 24, 27-9, 35, 37, 45, 182, 183; as social control, 26-7;
uniformity of rules, 27
Kunnunurra, 98

Lake Macquarie Independent Church: Lake Macquarie 1924, 130; Wellington 1925, 130
Lake Tyers Reserve, 132-3
Land, areas occupied by Aborigines, 86, 142
Land Act (NT), 98
Land Commission hearings, 77
Land Rights Act 1976 (NT), 178
Land rights, 1, 4, 9, 21, 52, 55, 57-60, 70, 72, 81-2, 186; and health, 197; as justice, 82;
Mulurrpum and others v. Nabalco and Commonwealth of Australia, 64-9; native, 72, 77-8, 81, 98, 144; in Northern Territory, 74; traditional, 72, 175
Land tenure, 66, 67, 69, 80, 167-8
Land title, 64-9, 74; communal, 64, 66, 68-9; in Canada, 68; in USA, 68
Land Trusts (SA), 70; South Australian Reserves vested in, 70
Land Trusts (Cwth), 74; transfer of land to, 74
La Perouse Reserve, 17
Laverton: violence, 189; violence by police, 119
Law: Aboriginal arrest, 45, 188; Aboriginal sentence, 188; Aboriginal Law of inheritance, 69; British, 32, 46-7, 179; civil courts, 176; clash between white and indigenous, 33, 36, 182; imprisonment, 190-1, 192; indigenous, 23, 33-4, 36, 53, 181; indigenous dispute settlement, 36, 181; indigenous tribunals, 34, 181; juries, 190; Justices of the Peace, 189; litigation, 48; (PNG), 65, 98, 176-7; in pre-literate society, 24; restrictive, 8; special Aboriginal offences, 186; special legal representation, 189; traditional, 24-5, 27, 29, 33-4, 36, 39, 48, 53, 66, 163, 181-2
Lawrence, Peter, 216-17
Leadership, Aboriginal, 6, 8-10, 12, 13, 19, 24-5, 26, 27, 30, 31, 35-6, 62, 81, 82, 106, 113-17 passim, 125; succession to, 24-6, 31-2
Legal aid, 99, 184
Legal personality, 22
Legislation: Aboriginal, 8-9, 15, 18, 51, 62, 71, 72, 77, 137, 142; for
Aborigines only, 186-7; British, 175-6, 179; child welfare, 120, 142; establishing Aboriginal Councils and Associations, 173; legislative controls, 107-8; mining, 72, 77; Queensland, 94; restrictive, 147; separate system for black and white, 180; Western Australia, 94 (employment), 154
Lingiari, Vincent, 57, 59
Links with: Africa, 19; Papua New Guinea, 19; Peking, 19
Literacy, 44, 198-9
Local government, 123-4
Long, J. P. M., 133
Loos, N. A., 189
MacLeod, Donald, 22, 57, 59
Macquarie, Governor, and Aboriginal School, Parramatta, 129
Mair, Lucy, 24, 25
Maningrida Aborigines, 140, 153; 'home areas', 140
Mapoon Reserve, 62-3, 140, 168; mining on reserve, 168
Marriage, 27, 37, 137; children of, 137; controls on, 14; interference by missionaries, 35; traditional, 35, 137, 182
Marsden, Samuel, on conversion of Aborigines, 160-1
Massacre, 3, 195
Melanesia: cult movements, 26; inter-group conflicts, 27
Memmi, Albert, 5, 101, 112-13, 141
'Mentality', Aboriginal, 1, 2-3, 5, 10, 12, 21, 83, 107, 114
Methodist Overseas Mission, 156
Middleton, S. G., 153, 156
Milurrpum and others v. Nabalco and the Commonwealth of Australia, 64-9, 176; history of, 65-6
Mineral rights, 72, 75; Aboriginal veto, 75
Miner's Right, 57, 59
Mining, 13, 57, 62-6, 140; Aboriginal knowledge of, 63; and Aboriginal Land Rights Act 1976, 75; Arnhem Land Reserve, lease to Pechiney Aluminium Company of France, 65; and (legal proceedings arising) 64-9, (background) 65, (petition) 64; Commonwealth legislation, 70; on Groote Island, 64, 71; bauxite, 62-5; oil, 75; uranium, 73, 75; Woodward Reports, 72-6; on Yirrkala Mission, 172-3
Miscegnation, 82; see also Sexual abuse
Missions, 5, 15, 23, 35, 65, 91, 113, 129-31, 142, 156; Aboriginal dependence on, 86; authoritarianism, 168-71 passim; attitude to justice, 161; as authorised managements, 132-3; dependence on governments, 158, 168-9, 172; future of, 173-4; as government authorities, 130; as home, 143; history, 158-61; inability to protect Aboriginal and government stations, 163; justification, 158; as managers of institutions, 161; and new political situations, 173; and native marriages, 163, 171; New Norcia, 130; New South Wales, 133; protests by, 84; power to prevent return to, 143; as protectors of Aborigines, 168; Pacific Islands and Papua New Guinea, 164-5; Queensland settlements, 139; as refuges, 130; rivalry between, 159; as specialised bureaucracies, 161,
Index 245

172; and social service benefits, 172; Victorian, 132-3
Missionaries: as colonisers, 162-3; second wave, 167
Money and Aborigines, 16, 51, 52; see also Cash economy
Moodie, P. M., 212
Moola Bulla Aboriginal Pastoral Station, 155, 157
Moore River Settlement, 154; made over to Methodist Overseas Mission, 156
Munja Aboriginal Pastoral Station, 156
Murray, Sir Hubert, 191
Nangiomeri, A., 95
National Aboriginal Congress, 19, 225, 226; Administration Association Limited, 225; Hiatt Report, 229; relationship with government, 230
National Aboriginal Consultative Committee, 123, 183, 225, 226-8
Native Police: Aboriginal Police Assistant, 61; disbanded, 142; killings and dispersal by, 141-2; in North Queensland, 86, 141-2, 146; Report on the North Queensland Aborigines and the Native Police 1897, 142
Negotiation, 1, 6, 82
Neville, A. O., 156, 157
New Mapoon, 140
New Norcia Mission, 130, 169
New South Wales Royal Commission on Prisons, 191
Nhulunbuy, 65, 195
Nicholls, 117
Nomadism, 17, 28, 34, 40, 87, 111, 162-3; transition from, 88
North Australian Workers' Union, 97
Northern Development and Mining Company, 22
Northern Territory Cattle

Producers' Council and wages for Aborigines, 179
Northern Territory Legislative Council, 151
Okeden, Parry, 142
Ombudsman, 139
Onus, 117
Order of the Sacred Heart (PNG), 169
Organisation, Aboriginal, 6, 8, 9, 11, 13-14, 57-8; future, 206ff.
Outstations, 150
Ownership, Aboriginal, 51, 52, 57, 60, 61, 62, 64, 74; of Gurindji country, 58; of Wattie Creek Station, 57, 60
Palm Island, 13, 134-5
Palm Island Council, 13
Palm Island Settlement, 134
Papunyah Settlement, 210
Part Aborigines, 9, 13, 14, 15, 16, 54, 55, 82, 102, 117, 146, 156; competence in rural pursuits, 102; population increase, 102; removal of children in Northern Territory, 120
Pastoral industry, 86, 87, 129, 149; Aboriginal companies, 71-2; Aboriginal employment in, 8, 17, 51-2, 64, 70, 85; Aborigines living on stations, 87; beef industry, 86-8, 94, 98; Kimberley area, 56, 60, 79; Payne-Fletcher Report 1937, 145; Pilabar, 59; Purchase of land for Aboriginal groups, 61, 64, 70; sheep industry, 88; Wave Hill Station, 57-8
Paternalism, 87-8, 141
Paton, Tom, 113
Patten, Jack, 8, 117
Payne-Fletcher Report 1937, 145
Pechiney Aluminium Company of France, 65; see also Mining
Perkins, Charles, 1, 4, 8
Petitions, 58, 65
Pilbara Aborigines, 63; and mining, 63
Pindan movement, 22, 61
Point Macleay Mission, 170
Point Pearce Mission Station, 143, 144
Police, 1, 44, 45, 61, 110; Aboriginal Police Assistants, 61; dispersal in North Queensland, 189; as Protectors, 84, 110, 118; power of arrest, 119; on reserves and communities, 119, 138; on settlements, 134; violence against Aborigines, 119; see also Native Police
Policies, Aboriginal, 8, 14-18 passim, 44, 45, 48, 51, 56, 63, 72, 74, 100-1, 117, 135, 148, 153, 175, 177, 183; bi-lingual schooling, 204; common, 14, 15, 18; conflict with other policies, 18, 51; change in public opinion on, 72, 113; extermination, 86; forcible evacuation at Mapoon, 168; lack of finance for, 2, 15, 51; NACC Report, 227; proper aims of, 100-1; restrictive, 8, 14, 15; subsidies for housing, economic and cultural activities, 173; priorities, 210
Political involvement, 1, 6, 7, 11, 13, 19, 46, 55, 57, 61, 74, 77, 104, 105, 110, 117, 132, 146, 207, 222, 234; at Lake Tyers Reserve, 132-3
Population: control, 29, 34; First Report of the National Population Inquiry, 123; increases, 115, 123; in relation to indigenous law, 34
Population movements, 8, 17, 21, 51, 54, 56, 60, 62, 84, 89, 96, 102, 127, 140, 152-3; in relation to indigenous law, 34; into town, 77, 98; to ‘home’ areas, 100, 150; retreat to clan areas, 16, 98, 150
Port Lincoln Mission, 165
Port MacLeay Mission Station, 143
Port Phillip Protectorate, 94, 130
Poverty Inquiry, 123
Prejudice, 6, 10-15 passim, 83, 151, 179, 193; in civil law cases, 177; in court system, 180; grounds for, 193; Tuckiar case, 190
Prisons, 129, 191; Aboriginal prison population, 191; New South Wales Royal Commission on Prisons, 191; on settlements, 134; as shelter, 191-2
Protectors, 84, 118, 143, 156; in country towns, 110; increased powers, 143
Protest: Aboriginal, 2, 7-8, 12, 59, 116; at Dubbo, 105; at Redfern, 105; non-Aboriginal in support of Aboriginal, 59, 72, 113, 116, 117, 119; Freedom Riders, 122
Racial Discrimination Act 1975, 180, 181
Racial Discrimination Act 1976, 128
Racism, 15, 61, 96, 128, 200, 203
Rations, 17, 88; Bleakley Report, 96
Reay, Marie, 12-13
Reconciliation aid, see Compensation
Redfern: as centre of protest, 105; violence by police, 119
Referendum 1967, 151, 219
Regional Land Commission, 74
Regional Land Councils, 75
Registrar of Aboriginal Corporations: duties, 222-4; staffing, 223, 224
Relations with government departments, 208-9
Religion, 25, 26, 61, 66-7, 129, 159
Report on The Aboriginals and Half-Castes of Central Australia and North Australia (1949), 96, 146
Index 247

Report of the Board of Inquiry appointed to inquire into the Land and Land Industries of the Northern Territory of Australia, 10 October 1937 (Payne-Fletcher Report), 145

Report of the Committee of Inquiry into the Role of the National Consultative Committee (Hiatt Report), 225, 226, 227

Report on the North Queensland Aborigines and the Native Police 1897, 142

Report of the Royal Commissioner Appointed to Investigate, Report and Advise upon Matters in Relation to the Condition and Treatment of Aborigines, 1935, 155

Report of the Select Committee on Grievances of Yirrkala Aborigines, Arnhem Land Reserve 1963, 65

Reserves, 7, 8, 9, 17, 51, 65, 74, 86, 108, 121, 129, 130, 132, 178; access to, 147; Arnhem Land, 82; effect of controls, 108; hunting (WA), 155; housing on (Qld), 135; as ‘home’, 81, 135, 137; mining on, 62-9, 72; ownership of, 109; restrictions on, 130; town, 154-7

Resistance: by Aborigines, 3, 4, 6, 16, 22, 53, 55, 61, 125, 142, 148, 176; politics of, 9-10; at Mapoon, 140

Restrictions on Aborigines, 7-9 passim, 14, 15, 17, 132

R. v. Jack Congo Murrell (1836), 186

Rirratjingu Aborigines, 64, 66, 68

Ritual, 23-4, 36, 89; and employment, 94

Robinson, G. A., 129-30

Rose, Professor Fred, 68

Royal Commission on Australian Government Administration (Coombs Commission), 198, 226

Royalties from mining on reserves, 70

Schools, 7; Carrolup farm school, 156; Parramatta, 129; Folk High School, 204-5; bi-lingual schooling, 204; teachers and racism, 203

Scientific studies, Aboriginal objection to being objects of, 11, 12, 16

Segregation, 61

Sexual abuse, 9, 96, 186; of children, 194, 202

Sheep industry, see Pastoral industry

Sittington, Grace, 12-13

Skills for survival, 30, 40, 95, 195

Skull Creek, 189

Social disintegration, 44, 49, 111, 113-14, 162, 195-6, 203

Social Science Research Council, Aborigines project, 122

Social Service Benefits, 51, 60, 61, 197, 215; and literacy, 198-9; as means of return ‘home’, 100; and missions, 172; unemployment relief, 98, 99, 198

Social Service Consolidation Act 1947, 116

Social Welfare Ordinance 1964 (NT), 144, 148; easing of restrictions, 148-9

Society: Aboriginal, 24, 26-7, 29-30, 33-44 passim; as seen by Captain Cook, 42, 43; as seen by Charles Darwin, 42; as seen by William Dampier, 42; disintegration, 3, 17, 44, 49; divisions within, 13; Papua New Guinea, 41; Solomon Islands, 41; Torres Strait Islands, 41

Solzhenitsyn, Alexander, 14, 109

Stanner, Professor W. E. H., 66, 89, 95, 151, 225
‘Station blacks’, 86, 87, 89, 96, 98
Stevens, Frank, 95, 168
Strehlow, T. G. H., 29
Subsistence economy, 86-8 passim, 92
Tallman, Irving, 189
Taplin, George, 170
Tatz, C. M., 134; on court procedures, 190; on sentences in government managed settlements, 134
Taxation, 92
Timber rights, 72
Torres Strait Islanders, 41, 138
Town Reserves, 154-7
Trade Unions, 15, 59, 97, 99, 102; and wage rates for Aborigines, 96-7
Traditions, Aboriginal, 3, 9, 11, 13, 17, 23, 26, 30, 34, 38-9, 53, 57, 58, 72, 87, 90, 94; destruction by schooling, 195; inheritance of land, 69
Training for employment, 8, 85, 116, 148, 149, 152
Training for assimilation, 147
Tribal system, 17, 28, 30-1; dispute settlement, 35-6; and marriage, 35
Tuckiar case, 190
Unemployment: in rural New South Wales 1965, 1966, 102; in 1970s, 106; by categories, 106
Unemployed: aspirations, 103; lifestyle, 102-84 passim; relationship with farmers, 103-4
Unemployment relief payments, 60, 61, 98, 99, 100, 198; and work tests, 210
Urbanisation, 77, 98, 105, 116, 117, 124, 125, 126-7
Vagrancy, 17, 187
Vailala Madness, 26
Viner, Ian: as Minister for Aboriginal Affairs, 231; on Council for Aboriginal Development, 232; on ‘New NAC’, 231-2
Violence, 4-5, 45, 53, 95, 152; at Hooker Creek, 152; at Laverton, 119, 189; at Skull Creek, 189; at Yuendumu, 152; by police, 119
Violet Valley Aboriginal Pastoral Station, 155
Visiting Aboriginal Reserves, 17
Voting rights, 8, 77, 153, 204
Wages, 8, 18, 51, 57, 58, 86, 87, 92-6 passim, 146-7, 179, 180; award rates, 97, 149, 179; in army, 96, 146; Bleakley Report, 96; enforcement of awards, 96, 97; Conciliation and Arbitration Commission 1965, 96, 97, 179; industrial colonialism, 91; part-Aborigines, 96; and ‘slow learners’, 97, 149, 179; in Kimberleys, 97; in Northern Territory (1965), 97; in Queensland (1919) 96, (1929) 96, (1965) 97; Western Australia, 97
Walkabout, 17, 89, 107
Wards, 121, 144-5; training, 148; wage rates, 148; Wards’ Employment Ordinance 1959, 148, 149
Waterford, Jack, 210
Water rights, 56, 75
Wattie Creek Station, 57, 60, 140
Watts, Betty, 201
Wave Hill Station, 56, 60
Wave Hill strike/walk-off, 57-8, 59, 100
Weber, Max, 24, 28
Weipa, 62, 72, 168; housing concession, 168; mining, 168
Welfare, Aboriginal, 6; Child Welfare authorities power of committal to institutions, 120; welfare services, 130
Welfare officers, removal of children, 121
Welfare Ordinance 1953, 147
White Australia, 5, 18, 55, 121, 147
Williams, F. E., 26
Williams, Professor Nancy, 39, 44
Women, Aboriginal, 35, 58; in prison population (SA), 191; protection from whites, 186; see also Sexual abuse
Woodward, Mr Justice A. E., 72-4
Woodward Commission, see Aboriginal Land Rights Commission

Woodward Report, 72-7; attitude of investors, 73; recommendations, 79; Interim (First) Report, 73

Yarrabah, 144
Yirrkala Aborigines, 64, 65, 70, 72, 140, 153; claim for compensation for mining on land, 65; drinking, 185; 'home areas', 140; royalties from mining on reserve, 70
Yirrkala Case, 65, 98
Yirrkala Mission, 167; attitude to mining, 172-3
Yuendemu, violence at, 152
C. D. Rowley, now Director of the Academy of the Social Sciences in Australia and Chairman of the Aboriginal Land Fund Commission, was formerly Principal, Australian School of Pacific Administration, Director of the Academy of Social Sciences in Australia’s Aborigines Research Project, and Foundation Professor of Political Science in Papua New Guinea. He has worked extensively on workers’ education in several South-east Asian countries and on the social and economic problems of disadvantaged peoples, and has a wide knowledge of the history and problems of Australian Aborigines.


C. D. Rowley, now Director of the Academy of the Social Sciences in Australia and Chairman of the Aboriginal Land Fund Commission, was formerly Principal, Australian School of Pacific Administration, Director of the Academy of Social Sciences in Australia's Aborigines Research Project, and Foundation Professor of Political Science in Papua New Guinea. He has worked extensively on workers' education in several South-east Asian countries and on the social and economic problems of disadvantaged peoples, and has a wide knowledge of the history and problems of Australian Aborigines.


Jacket design by ANU Graphic Design/Kirsty Morrison. Printed in Australia.

Cover photograph produced by courtesy of Dept. of Aboriginal Affairs.